



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 362

DATE: Thursday, March 5, 1992

BEFORE:

A. KOVEN Chairman

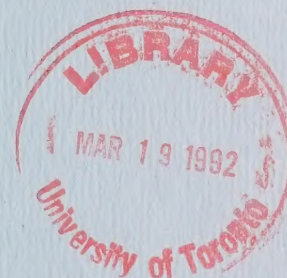
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Thursday, March 5th, 1992,
commencing at 8:30 a.m.

VOLUME 362

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S


MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY		
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY

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MR. Y. GERVAIS)	ONTARIO TRAPPERS
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MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
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MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
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MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION



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I N D E X O F P R O C E E D I N G S

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I N D E X O F E X H I B I T S

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2152	Graphic depiction of issue resolution process as described by Panel 9 witnesses in their evidence.	63127
2153	Graphic description of alternate allocations prepared by Mr. Freidin.	63229
2154	Letter dated January 11, 1991 from Gord Pyzer (MNR) to Roads Access Committee.	63266

1 ---Upon commencing at 8:30 a.m.

2 MADAM CHAIR: Please be seated.

3 BUD DICKSON,
4 ROBERT STEWART,
5 TERRY QUINNEY; Resumed.

6 MADAM CHAIR: Mr. Cassidy.

7 MR. CASSIDY: Thank you, Madam Chair.

8 CROSS-EXAMINATION BY MR. CASSIDY:

9 Q. Mr. Dickson, I want to start with you
10 by talking to you about the Straw Lake area and, in
11 particular, you'll recall you filed some photographs,
12 they're Exhibit 2137, and I'm particularly interested
13 in the photograph where you showed -- these photographs
14 were taken by Mr. Larry Adams; is that right?

15 MR. DICKSON: A. To the best of my
16 knowledge, yes.

17 Q. And he's the owner of the Slippery
18 Winds Lodge; right?

19 A. Right.

20 Q. And, as I understand it, these
21 photographs were taken by him of that landing or access
22 route built right down to Straw Lake?

23 A. Right.

24 Q. Now, I was curious about that, so I
25 made some phone calls after you gave that evidence -
and all of this stuff I'm prepared to develop in reply

1 evidence of course - but I want to talk to you and see
2 if you're aware of some of this.

3 I spoke to Mr. Bob Cox who is the forest
4 supervisor on that area, and it's called the Manitou
5 Forest Management Unit, and he's been the forest
6 supervisor on the area for 20 years with Boise Cascade,
7 and I asked him about that landing, and he told me some
8 facts and I want to see if you're aware of them.

9 And, as I say, I can call Mr. Cox as a
10 witness if I have to. And he told me, Mr. Adams bought
11 that lodge in 1987 from a man named Mr. Hough?

12 A. Hoffey.

13 Q. Hoffey. And that, in fact, that
14 landing had been there for some seven years prior to
15 that, in fact, he even sent me -- he faxed me - it's
16 not a very good reproduction because it came through in
17 the fax - but he faxed me an aerial photograph which
18 showed that landing and the aerial photograph is dated
19 May 5th, 1981, and that means that Mr. Adams bought
20 that property in 1987 knowing, or I suggest ought to
21 have known, that that landing was in fact there.

22 Now, I take it you didn't tell us that in
23 your evidence, probably because you weren't aware of
24 that fact; is that right?

25 A. That's correct, at the time, yes.

1 prove, verify or defend my loss due to
2 another resource user's incompetence.
3 They should prove beyond any doubt they
4 made no such mistakes.

5 The evidence is clearly carved in
6 the wilderness, crossed over the rivers
7 and filled in the creeks.

8 I'm basically informing you I'm fed
9 up. I will not attend, don't bother
10 asking the case if you do not need me.
11 I'm sorry for the time you spent, but
12 honestly I would be a very hostile
13 witness.

14 These hearings are taking far too
15 long. The mistakes are quite evident
16 anyway. While you have our industry
17 defending our case (ie Honest, sir,
18 there really is a road to the lake,
19 honest, the customers won't come back),
20 the timber companies under the
21 supervision of the MNR are cutting to the
22 water's edge, cutting to the rivers,
23 accessing tourist operators lakes, making
24 river crossings with illegal construction
25 methods, and filling in creekbeds as

1 recent as two weeks ago.

2 Did I attend meetings you asked,
3 for 10 years a tourist operator, as a
4 member of the local services board, as
5 a member of NOTOA, as a President of
6 Armstrong Chamber of Commerce for the
7 past, I have attended meetings. I've
8 attended timber management plan open
9 houses and special meetings all while
10 optimistic this would bring about change,
11 a better future. I have to force myself
12 to keep an open mind, to know a balance
13 of all users have to be concerned and
14 competent that the tourist industry would
15 receive the same consideration in
16 return...", and she goes on to say,
17 "bull".

18 MR. MARTEL: May I ask a question?

19 MR. DICKSON: Yes, sir.

20 MR. MARTEL: We were in Armstrong in
21 November, we asked parties to participate and show us
22 these things. We weren't advised by anyone of the
23 problems that we could have gone to see that day we
24 were in Armstrong. We spent two days in Armstrong, in
25 fact, doing nothing but flying around to see those type

1 of problems and when they're not presented, it makes it
2 difficult for us as a Board.

3 MR. DICKSON: And it makes it difficult
4 for us in industry. This letter came, was filed and --

5 MR. MARTEL: Because we sat in Armstrong,
6 we were there for two days.

7 MR. DICKSON: But, I mean, obviously
8 there's something basically wrong, and it's not that
9 every operator is painting the wrong picture. I mean,
10 those roads just didn't come, they came as a result --
11 Mr. Martel, when you fly over there it's very obvious,
12 you see that. I mean, I guess I should just be quiet
13 and say yes and no to these things and --

14 MR. MARTEL: Mr. Dickson, I think what we
15 were trying to do --

16 MR. DICKSON: Are you listening?

17 MR. CASTRILLI: I'm listening to every
18 word.

19 MR. MARTEL: What we were trying to do,
20 we had helicopters, we were going down to look at the
21 sites.

22 MR. DICKSON: Right. Did you --

23 MR. MARTEL: We heard one other party say
24 that there was erosion on the river there. That was
25 after we came back from Armstrong. They too knew that

1 we were in there and they didn't bother to tell us, or
2 ask us to drop down and see the erosion, and we were
3 there for a two full days with helicopters and all of
4 the parties invited to attend and send witnesses.

5 MR. DICKSON: Possibly --

6 DR. QUINNEY: May I comment, Mr. Martel?

7 MR. MARTEL: Yes.

8 DR. QUINNEY: With reference to your fall
9 site visits, that was a very difficult time for the
10 Coalition with reference to, of course, assembling our
11 case and submitting witness statements.

12 The Coalition did have a representative,
13 but part of the problem was it was my understanding
14 that in order for the Coalition to have representatives
15 there, that all the costs, all the costs to get people
16 there and get people back were to be borne by the
17 Coalition, that once they were in the location, for
18 example, starting in Kapuskasing, they could take the
19 site visits free, but we had to get them there and we
20 had to get them back then from Thunder Bay at the end.
21 So we tried -- we did try hard to get representatives.

22 MADAM CHAIR: And a representative of
23 NOTOA did travel with us--

24 DR. QUINNEY: Yes.

25 MADAM CHAIR: --you will recall.

1 tell me how you feel about that possibility, because I
2 think it's a very real one when you read your own
3 document about the attitude to northerners.

4 MR. DICKSON: A. The attitudes to
5 northerners, you're correct, historically and I think
6 there's - as I said yesterday - a movement in the
7 direction to improve those relations.

8 In the past we've had to react to the
9 plan, and I think, unintentionally as it may be, I
10 mentioned I think in my witness statement an area of
11 concern or my evidence the other day that we're treated
12 as an area of concern instead of something that is a
13 positive contributor to the economy.

14 And so it's -- the citizens committee, as
15 I see it, would give me an opportunity as an operator
16 to sell them on what we're all about; where in the past
17 it was more or less promoted by the MNR as a nuisance,
18 and I mean, I feel strongly about that.

19 And I think that in the words of a man
20 the other day who was participating in the Quetico
21 Park/Lac LaCroix, he said, 20 years ago, you know, he
22 wanted motors in the park he was wrong, now he doesn't
23 doesn't want motors in the park and so he's wrong
24 again.

25 And so attitudes have changed towards, I

1 suggest to you, tourism, and yes, there may be some
2 problems but it's going to be our responsibility to
3 sell what we're trying to sell to American people to
4 our own residents to say: Look it, we have to
5 co-exist. You're suggesting that Atikokan is a
6 single-industry town.

7 Q. I wasn't suggesting --

8 A. Well, you are, because you're saying
9 that the primary employer is the woods industry, and it
10 is, and that's one of our problems in the north. We're
11 trying to diversify, et cetera.

12 Q. Well, let's stick to the question.

13 MR. STEWART: A. I'd like to comment on
14 that.

15 Q. Just a second. You will have your
16 chance. Let me come back to the question, Mr. Dickson.
17 As I read this, 60 per cent of the people in that local
18 citizens committee could very easily overrule the
19 district manager and require that a full EA hearing -
20 at least that is what this says - although I now
21 understand that somehow the internal mechanisms of MNR
22 are going to apply and you're going to have to fight
23 that process.

24 Did you seek independent legal advice
25 when you agreed to that term and condition?

1 MR. O'LEARY: Well, hold on a sec now.
2 First of all, Madam Chair, in fairness to the
3 witnesses, the characterization of term and condition
4 79 is not appropriate because it's got to be read in
5 the context of Section 67 which says that the committee
6 shall comprise of the number of groups, and it doesn't
7 say strictly those who might have particular interests
8 in having access to lakes for fishing. It's got the
9 forest industry on there, it's got Native groups, it's
10 got local business, and it also has tourism industry
11 which would be the antithesis of what Mr. Cassidy is
12 suggesting right now.

13 So I think it is an unfair
14 characterization. And, as I've indicated, that we are
15 looking at the appropriate wording so that we feel that
16 it would fit within the confines of the Environmental
17 Assessment Act and it is inappropriate I believe to
18 follow along this line of questioning until we've filed
19 an amendment.

20 MR. CASSIDY: I'm suggesting, Madam
21 Chair, to this witness that whatever amendment is filed
22 and whoever is on that committee, Mr. Dickson, you're
23 going to be facing a battle where what you thought was
24 a protection that was in the district land use
25 guideline, what you thought was in the strategic land

1 use plan, what you thought the district manager was
2 going to do, it's overruled by whoever is on that
3 committee.

4 Q. And I'm asking you; do you understand
5 that that is a very real possibility no matter how the
6 term and condition is worded if you give the local
7 citizens committee the power to do that?

8 MR. DICKSON: A. Well, I wouldn't put it
9 that way. I thought I put it quite clearly yesterday
10 and again this morning. I think that that gives us
11 great hope to solve some of our great internal
12 problems.

13 And, yeah, it may not be a win/win for
14 everyone, but as I've told you all week, up until now
15 we've been sacrificed in most instances because there's
16 nobody out there that's recognizing me as a non-timber
17 value that's really important.

18 And I think that's what I'm reading
19 between the lines now, you're suggesting that to me
20 now, that it's not important, and I think that's sad,
21 if I'm reading it that way.

22 Q. Have you read the agreement that was
23 reached among the parties with respect to Mr. Illing's
24 negotiation session?

25 A. No.

1 Q. Where all the parties, including my
2 client --

3 A. No.

4 Q. You didn't?

5 A. No, I did not read it.

6 Q. Well, for your edification, all the
7 parties agreed to the concept of an advisory committee,
8 Mr. Dickson.

9 A. I understand that.

10 Q. No one is -- I'm taking issue --

11 A. So what's the issue?

12 Q. Hear me out. I'm taking issue with
13 the concern that I see very much that the very thing
14 that you see as a panacea could cause you to be
15 embroiled in an Environmental Assessment Board hearing
16 every five years because the locals in your area decide
17 they don't want your objective to be met.

18 I'm just asking you if you've actually
19 considered that.

20 Now, if you want Mr. Stewart to help you
21 out, go ahead.

22 MR. DICKSON: A. Yes.

23 MR. STEWART: A. The premise that you
24 came at this with was that when the district manager
25 comes down with his objectives, I mean, this was the

1 problem with the way you looked at this because the
2 local citizens committee has a member that sits on the
3 planning team, they're involved from day one in the
4 design principles and the building up of the process
5 with the resource production possibilities, the intent
6 is that things don't come down from the district
7 manager who's also a member of the planning team.

8 DR. QUINNEY: A. May I also add to that,
9 Mr. Cassidy, two things.

10 MR. MARTEL: Can I stop there, just right
11 there, because you see, what this whole term does -- we
12 have heard from Ms. Dube and she was a very credible
13 witness and her concern, and her desire is the same as
14 yours, Mr. Dickson, to eliminate, if at all possible -
15 in fact I think some people have described it, if you
16 have to appeal for a bump-up, it means the whole
17 process has failed.

18 And does this sort of term and
19 condition -- I mean, you can take any one of them, and
20 I don't want to use that extreme because I've heard it
21 used too many times in respect of other legislation.
22 But that sort of bottom line is the built-in -- could
23 be perceived as the built-in guarantee for people
24 waiting 'til the very end to put all the cards on the
25 table, if they wanted, when you're trying so hard at

1 the front end and every one of them leads to a final
2 decision that could be bump-up. That's a worry.

3 MR. DICKSON: Yeah.

4 MR. MARTEL: And I don't care which side,
5 I mean, it bothers me.

6 DR. QUINNEY: May I comment, Mr. Martel?

7 MR. MARTEL: Yes, sure.

8 DR. QUINNEY: The Coalition certainly,
9 part of the reason we're here and we've been here for
10 four years is we don't want to see situations where
11 every plan or every aspect of a plan is bumped up. The
12 terms and conditions have been designed that, for
13 example, bump-up is an absolute last resort. We agreed
14 that it should be a last resort. I just mention that.

15 Because term and condition 79 is being
16 revised, I would just point out the intent again, the
17 intent of that term and condition was that there be, as
18 a last resort, some form of third-party arbitration
19 that the PAC could take their concerns to.

20 It does not -- that third-party
21 arbitration does not mean that the process is shut down
22 or anything like that, but what it does, it shows the
23 PAC then that their commitment to this process is being
24 really respected, that their opinions will be
25 respected, and that's why they will stay in the

1 process, that they know they have some influence.

2 MADAM CHAIR: Yes. I would just make the
3 comment that it would take a lot -- the Board doesn't
4 see bump-up - and you're going to work out your
5 definition of what it is as a third-party arbitration,
6 I would just caution you about that - but just very
7 quickly because I want Mr. Cassidy to finish his
8 cross-examination.

9 MR. CASSIDY: I have every intention of
10 doing that.

11 MADAM CHAIR: The point that Mr. Cassidy
12 is trying to get at that has been a concern to the
13 Board throughout the four years of this hearing is that
14 the Board does not want to see NOTOA, or any interest
15 in timber management, being isolated within any sort of
16 a discussion or an arena such as the local citizens
17 committee. The Board just doesn't see how the
18 isolation of any particular interest at the community
19 level is going to help protect all the non-timber
20 interests.

21 And I guess our concern about a numerical
22 situation where the guy that's left out - and it might
23 be NOTOA or it might be the Anglers & Hunters, or it
24 might be the natives, or it might be the forest
25 industry, I have no idea - but is that what we want, do

1 we want to go down the road where the tyranny of the
2 majority will isolate someone's perfectly legitimate
3 interest that should find a solution.

4 And Mr. Martel and I are hearing you and
5 you're saying, yes, you think that the situation will
6 work, you think that a simple vote by a local citizens
7 committee will give you the protection you need, and we
8 have to listen to that, but our concern is we don't
9 want to see anyone isolated within the local citizens
10 committee, we want protection for non-timber interests.

11 DR. QUINNEY: Yes. And may I add that
12 part of that protection -- I think Mr. Cassidy was
13 taking our term and condition 79 out of context with
14 reference to Mr. Dickson's statement, because that term
15 and condition with reference to the discussion should
16 be placed alongside the Coalition's entire access terms
17 and conditions.

18 That again, if at day one -- if at day
19 one, along with that forecasting of wood supply
20 objectives, there is a forecast of what areas are going
21 to remain road inaccessible - dah, dah, dah, dah, dah,
22 dah - the people of this province and the local
23 citizens committee, for example, see what the options
24 right at day one, see what the options potentially are
25 available to them.

1 There won't be the situation then where
2 they wake up one morning and a decision has been
3 reached that there were no alternatives.

4 MR. MARTEL: It might not just be access,
5 Mr. Quinney, it could be any issue. That's our
6 concern, it could be any issue from any party and not
7 just access. I mean, I don't think Mr. Cassidy's
8 question meant to isolate access as the issue to
9 trigger it.

10 I'm just saying any issue could fall into
11 that category, that we're not talking just access,
12 we're talking everything that's out there.

13 God help us, for four years we've talked
14 about it, and it could be any one of them and the
15 question is: How do we resolve it. And, I don't know,
16 it's a very difficult situation.

17 But to isolate, as my colleague says, one
18 individual in the PAC, you know, I don't know, but
19 that's the question that is being raised. I mean,
20 that's just the example. Pick another one.

21 MR. CASSIDY: Perhaps I might move on
22 then.

23 MADAM CHAIR: Go ahead, Mr. Cassidy.

24 MR. CASSIDY: I don't mean to stop you,
25 Mr. Martel, I just would like to try and meet my

1 schedule.

2 MR. MARTEL: I promised I wouldn't say
3 anything today. I'm not doing well.

4 MR. CASSIDY: Q. Mr. Stewart, I just
5 want to get some understanding of your background, Mr.
6 Stewart. You're not a forester, I think you told us
7 that in answer to an interrogatory?

8 MR. STEWART: A. Right.

9 Q. Right. And I understand that you're
10 not -- you told us at some point during the evidence
11 that you're not an economist; right?

12 A. Correct.

13 Q. And, as I understand it, neither are
14 you a political scientist?

15 A. Correct.

16 Q. And, as I understand it, you're not a
17 computer scientist?

18 A. Correct.

19 Q. Okay. And, in fact, as I understand
20 it - and tell me -- please correct me if I'm wrong - as
21 I understand it, by reviewing your resume the last
22 thing you did in Ontario was your thesis in 1973; is
23 that right, the last project?

24 A. Correct.

25 Q. So, therefore, as I understand, you

1 have not had any professional experience in Ontario for
2 19 years?

3 A. Correct.

4 Q. Now, I want to now turn to your
5 experience, and I think it might help you and me if we
6 looked at MNR's Interrogatory No. 2 to you.

7 MR. MARTEL: What page is that?

8 MR. CASSIDY: That is on I believe page
9 30, the answer is on page 30, the question is on page
10 29 of Exhibit 2129.

11 Q. Now, MNR asked you - I think in fact
12 we asked you as well - but the full answer is in answer
13 to MNR's interrogatory No. 2 about you being
14 responsible for the production of some - what I'm going
15 to call, the short-form timber management plans.

16 And as I understand your answer there on
17 page 30, you have been involved in one timber
18 management plan, and that is the NorSask five-year
19 operating plan?

20 MR. STEWART: A. Correct.

21 Q. And that plan, in fact, just started
22 last year?

23 A. Correct.

24 Q. All right. So would you agree with
25 me that -- I think you said you're about 43?

1 A. Mm-hmm.

2 Q. Would you agree with me that your
3 experience with actually being involved in an actual
4 plan is relatively recent in your career and probably
5 the last four or five years?

6 A. Absolutely.

7 Q. Right. And you are involved in those
8 other projects which you indicate in your answer to
9 question (b) but, as I understand it, they are underway
10 now, they've not been completed and, as I understand
11 it, the Mistik Plan -- when is that scheduled to be
12 finished?

13 A. 1994.

14 Q. It's going to take four years to
15 produce that plan or three years?

16 A. Two.

17 Q. Two years. Two years to produce that
18 plan?

19 A. Mm-hmm.

20 Q. And that integrated resources
21 management plan for the Province of Saskatchewan is
22 scheduled to take a year; is that right?

23 A. Correct.

24 Q. And those are underway now?

25 A. Correct.

1 Q. Now, is that last one, the one that
2 you're -- you tossed around the figure \$10,000
3 yesterday.

4 A. Correct.

5 Q. Is that the one that you're spending
6 \$10,000 on?

7 A. No. I said that one component would
8 cost \$10,000. It's a \$450,000 contract.

9 Q. Okay. What was that component?

10 A. It was doing a habitat supply
11 analysis by soil landscape region of which there are, I
12 would suggest, 70 in the province, and doing the
13 habitat supply analysis for four species for the whole
14 province.

15 Q. And you're doing that for \$10,000?

16 A. Correct.

17 Q. Now, you're suggesting -- are you
18 suggesting that for \$10,000 you can do that for
19 Ontario?

20 A. I didn't say that. I said that's for
21 Saskatchewan.

22 Q. That's what I'm asking, is that what
23 you're suggesting?

24 A. I'm suggesting that at that level, if
25 there is a forest resource inventory for Ontario which

1 is comparable to Saskatchewan, which I believe there
2 is, and that you can put some land classification down
3 based on soils or some other biophysical type of unit,
4 correct, you could do a crude classification across
5 Ontario extremely cheaply.

6 Q. I see. I have a friend who has a
7 credit card limit - I don't, but I have a friend who
8 has a credit card limit of \$10,000 --

9 A. You don't have a limit?

10 Q. He has a credit card limit of \$10,000
11 and I, quite frankly, am having a little trouble
12 believing that if he wanted to he could pay for the
13 whole habitat supply analysis for the Province of
14 Ontario on his credit card. I mean, I just have some
15 difficulty with that concept?

16 A. Well, let's say that Ontario is three
17 times as large as Saskatchewan and if there was three
18 times the effort required in terms of computing power,
19 let's make the number 30,000, will that give him some
20 comfort?

21 Q. Well, I don't know. You have to tell
22 me since -- you've not been involved --

23 A. If you give me \$30,000, I'll do it
24 for Ontario, put it that way.

25 Q. Well, you might be careful about that

1 since you haven't worked here in 19 years.

2 Let me talk to you about the Province of
3 Ontario, Mr. Stewart. You calculated some figures and
4 I think -- I don't know whether this has an exhibit
5 number, Mr. O'Leary.

6 MR. O'LEARY: Yes, it does.

7 MR. CASSIDY: Can you tell me what that
8 is? It's this one with the GIS, those two columns up
9 there, Madam Chair. Do you remember that?

10 MR. STEWART: Can I comment to your
11 previous question yet?

12 MR. CASSIDY: Q. You can say anything
13 you want.

14 MR. STEWART: A. Your comments about my
15 personal experience, I'm not a forester, I'm not an
16 economist, I'm not a political scientist, I'm not a
17 computer scientist, but I'm an employer of foresters,
18 geographers, biologists, computer scientists,
19 subcontracting social economists, I have done the
20 evaluation of peoples' skills, I understand the general
21 processes involved, and that is my role.

22 Q. That's the comment?

23 A. That's the comment.

24 Q. Thank you.

25 MADAM CHAIR: Mr. Cassidy, you're

1 referring to Exhibit 2145.

2 MR. CASSIDY: Thank you very much.

3 Q. Now, I looked at your basis for
4 calculation of MNR costs there, and did you pick these
5 three bases to do that calculation?

6 MR. STEWART: A. Correct.

7 Q. Okay. You used the average annual
8 area harvested to do your calculations which is 200,000
9 hectares?

10 A. Correct.

11 Q. And this is MNR's cost to do what?

12 A. To implement their terms and
13 conditions, as I understand it.

14 Q. Right.

15 A. Above and beyond -- its incremental
16 cost for 20 years, per year.

17 Q. One of those costs would be the
18 implementation of GIS; right?

19 A. I believe so, but I'm not certain on
20 that.

21 Q. Okay. In any event --

22 A. It wasn't stated in their list of --
23 is this an exhibit?

24 Q. In any event, 200,000 hectares
25 according to the evidence, and for its worth, it's

1 Exhibit 209, MNR's Panel 6.

2 200,000 hectares is the average annual
3 area harvested, you have got that right, but that's not
4 the area of the undertaking, that's not the area of the
5 productive forest and, in fact, it only represents .7
6 per cent of the production forest which is 269,000
7 kilometres.

8 Now, I'm quite frankly having some
9 difficulty understanding the relevance at all of the
10 200,000-hectare figure when you do this calculation?

11 DR. QUINNEY: A. Perhaps I could just
12 say, Mr. Cassidy, that the 200,000-hectare per annum
13 harvest is MNR information, we simply used the
14 information that was available from MNR.

15 Q. Agreed, but why is it relevant? You
16 picked these, Mr. Stewart, why is that relevant in
17 doing your calculations?

18 MR. STEWART: A. Well, I was simply
19 looking for a comparative base.

20 Q. Well, you only picked .7 per cent of
21 the area of the productive forest. You only picked the
22 annual --

23 A. That's irrelevant. That's
24 irrelevant. I don't understand your question.

25 Q. The figure you're picking is

1 irrelevant?

2 A. Yes.

3 MR. O'LEARY: No, no. Mr. Cassidy, in
4 fairness, perhaps you weren't here, but there was
5 evidence on the methodology. The graph indicates cost
6 per cubic metre harvested. Perhaps that might assist
7 you in understanding why the bases at the bottom --

8 MR. STEWART: I was trying to come to
9 some common base that I could do overview.

10 MR. CASSIDY: Q. Okay. If one is going
11 to cost out the cost of this undertaking, why would you
12 only focus on the area harvested and why not focus on
13 the area of productive forest or the area of the
14 undertaking. Can you answer me that?

15 MR. STEWART: A. Well, this is the
16 annual average harvest over that area of the
17 undertaking.

18 I mean, if I look at Red Lake, which I
19 will come back to again, and suggest there's 2,000 --
20 2,100, 2,100, some number like this of hectares being
21 harvested out of 320,000 total hectares, I could have
22 done the calculation on 300,000 hectares, the numbers
23 would have ended up the same in relative terms, it
24 wouldn't have made any difference to my analysis.

25 I had to try to compare numbers that were

1 evolving out of two different origins and try to bring
2 them to a common base, that's a common denominator, to
3 the best of my ability, and that's what I did, and I
4 believe that the analysis is -- although it is not
5 something that's been subjected to an economist's
6 scrutiny, it's a relatively decent comparison of what
7 the costs would be. I'm not uncomfortable with it.

8 Q. If you're going to implement GIS,
9 you're going to have to do it over more than just the
10 area harvested; correct, you're going to have to
11 digitize the area --

12 A. Oh yeah, but -- okay. If that's what
13 you're asking me, this is based on the total area. The
14 cost of the GIS here is not on the 200,000 hectares per
15 se, what I did was estimate the costs of implementing
16 GIS across an area the size of Red Lake, and I believe
17 I told Board that in my analysis yesterday.

18 What I did was look at the 30 township
19 maps that comprise Red Lake area and came up with an
20 estimate based on that total cost and then reduced it
21 back down to the area harvested. So it was only a
22 procedure that I used, it's not one that I didn't
23 account for the fact that there was 30 townships
24 supporting 2,000 hectares of harvest, that was
25 included.

1 Q. The whole area of the undertaking of
2 the productive forest is 269,000 kilometres.

3 A. Yes.

4 Q. To actually give a figure on the
5 implementation of GIS, you would have to digitize that
6 area of the undertaking -- sorry, that area of
7 productive forest.

8 A. Did you listen to me yesterday? Did
9 you listen to me yesterday what I said? Did you listen
10 to what I said about digitization and scanning. Were
11 you aware of the nature of why I was attempting to
12 relay to the Board and give them the benefit of my
13 experience of the knowledge of those costs?

14 Q. What is the cost of GIS over the area
15 of the productive forest, not the area of the annual
16 harvest. Do you know that figure?

17 A. I could provide that to the Board by
18 noon hour, if I could have a few minutes to calculate
19 it out. I do have it somewhere in my notes because I
20 did a calculation on the area of the undertaking and it
21 is in the terms of some millions of dollars.

22 Q. All right, thank you. That's what I
23 wanted to know.

24 All right. You mentioned on Monday - and
25 I wrote down this but, you know, feel free to correct

1 me - about when you were viewing the Red Lake plan,
2 and you just used phrase, it would be nice or it would
3 be better if, or in some way to separate the plan from
4 the voluminous documentation.

5 Can you tell me what you meant there? I
6 mean, I'm just curious about that.

7 A. The difficulty I had in the review
8 was appreciating the kind of information that I
9 suggested I was trying to get out of the plan, and I
10 relayed to the Board what I was looking for, and there
11 was one question I suggested -- there was actually
12 about six things I state.

13 One, the plan should clearly document the
14 state of the forest based on past operations; two,
15 explicitly demonstrate what the effects of the proposed
16 future activities will have on the forest structure and
17 associated timber and non-timber resources; and, third,
18 the plan should be user friendly for members of the
19 public to understand these items, All right.

20 I then said that there was three
21 questions I was asking: Are there sufficient timber
22 resources to support the level of timber activity being
23 proposed by the Ministry? What are the objectives of
24 the Ministry - this is No. 2 - what are the objectives
25 of the Ministry respecting non-timber values on the

1 land base and will there be the quantity and quality of
2 forest structures required to maintain these resources?
3 And, finally, what costs are being projected by the
4 Ministry respecting their past and proposed timber
5 management activities? And I was specifically looking
6 for costs of delivered wood.

7 Q. Sorry. I'm looking for - and I'm not
8 trying to magical or anything - I'm just curious what
9 you meant by separating the plan from the
10 documentation. I had this image that you just swamped
11 with volumes and volumes of binders and it would have
12 been nice to have a little more clarity as to what was
13 the plan and what was the supplementary documentation.
14 Is that what you meant?

15 A. Could you repeat that, please, one
16 more time?

17 Q. I got the impression when you used
18 that phrase about separating the plan from the
19 documentation, I think us used those words, that I had
20 this image of you swamped by binders, in fact, in fact
21 I think the Board has actually had several binders put
22 in front of them at one time and it's pretty impressive
23 to have about ten binders, but it's kind of, at the
24 same time, difficult to understand what's the plan and
25 what's the supplementary documentation to support the

1 plan.

2 And is that what you were talking about,
3 about some form of separation between them so you can
4 figure out which was which part?

5 A. I think I was basically referring to,
6 it would have been nice to have more or less a
7 hierarchal presentation of information at different
8 levels of detail that clearly laid out what the
9 objectives were and what the information was related to
10 that.

11 Q. And would one of the hierarchies, and
12 probably the one at the very top, be an executive
13 summary of the plan that set those objectives out in a
14 clear fashion?

15 A. I believe I stated that. A decent
16 executive summary, not -- something that gave me the
17 answers to these types of questions.

18 Q. Okay. And you would want that away
19 from all this bundle of documentation that you could
20 then go to if you had some questions?

21 A. If I was producing the plan I would
22 probably myself suggest that we have a 30-page document
23 that's accompanied with maps and clearly let people
24 follow through with each of these specifics.

25 Q. Okay. That's what I just wanted to

1 get clear in my mind, because I think that's a common
2 agreement amongst some parties.

3 Now, if I could move on now. I
4 appreciate you haven't reviewed all the terms and
5 conditions, you can't comment on that, so I'll move on.

6 You were talking about an area - I don't
7 want to go to these overheads - but it's Exhibit 2135,
8 you were talking about an area that was a hundred
9 square kilometres.

10 A. Correct.

11 Q. My understanding is that's about six
12 miles by six miles; is that -- just to go back to
13 non-metric for a minute, is that fair enough?

14 A. Correct.

15 Q. And my understanding is that's
16 equivalent to one -- in Ontario that would be
17 equivalent to one township. I mean you might not be
18 able to answer that.

19 A. Yeah, it would be roughly equivalent,
20 yes.

21 Q. Okay. Mr. Quinney, I want to --

22 MR. CASSIDY: Madam Chair, what time do
23 you plan on taking a break?

24 MADAM CHAIR: Ten o'clock.

25 MR. CASSIDY: Okay.

1 Q. Mr. Quinney, you talk about
2 reconnaissance survey costs in answers to
3 interrogatories and in your written evidence, and I
4 think you gave a figure of about \$5,000.

5 DR. QUINNEY: A. I would have to refer
6 to the interrogatory response.

7 Q. Take a look at Interrogatory 3(a).

8 A. From you?

9 Q. From us, the OFIA. That's Exhibit
10 2129.

11 A. Yes.

12 Q. I'm sorry, I apologize. It's 3(b),
13 it's on page 46, Mr. Quinney, of Exhibit 2129. Now, I
14 don't want to get into a lot of cost discussion because
15 Ms. Swenarchuk I think adequately covered that
16 yesterday.

17 A. Excuse me. This is with reference to
18 question 30 -- referring to question 30 from the
19 witness statement?

20 Q. That's right. Do you have that, Mr.
21 Quinney? Just for the Board's reference, that question
22 30 is on page 22 of the witness statement which is
23 Exhibit 2128.

24 In your answer there on page 46 of
25 Exhibit 2129, answer to Interrogatory No. 3(b) you

1 talked about some costs and you estimated that for a
2 company harvesting 6,000 hectares of land, part-time
3 technical input -- do you see that, Mr. Quinney? I
4 assume that --

5 A. Yes. Mr. Stewart prepared this.

6 Q. Oh, I'm sorry, okay. Well, whatever.
7 You estimated, Mr. Stewart, that part-time technical
8 input would suffice costing less than 5,000 to \$6,000 a
9 year or \$1 a hectare. You're going to have to use
10 helicopters to do some of these reconnaissance surveys
11 since this is all done before a road is put in; right?

12 MR. STEWART: A. Can you give me a
13 minute, please, so that I can refer you to an
14 interrogatory that --

15 Q. Well, I was going to say, you take
16 all the time you want, but I may not finish by the
17 break.

18 A. I mean, I do share our concern for
19 time. Okay. MNR Interrogatory 7(b), page 33. MNR's.

20 Q. Yes.

21 A. We have indicated the types--

22 Q. Right.

23 A. --of activities that we believe that
24 would be required.

25 Q. Do you see helicopters being used in

1 that? Perhaps I can help.

2 On page 33, Field Sampling, Roman numeral
3 (iii) under that:

4 "Collect samples of unusual or
5 unidentified botanical specimens. Note
6 location of nesting sites...", in item
7 (iv), et cetera.

8 Now, if there's no road in there, is a
9 helicopter going to have to be used on occasion to do
10 that?

11 A. The estimate that I provided there
12 was for professional time.

13 Q. It doesn't include helicopter time?

14 A. It does not include helicopter time,
15 although my belief is that that would not be a common
16 requirement of the survey.

17 Q. What?

18 A. We don't believe that would be a
19 common requirement, the use of helicopters.

20 Q. Do you think it would be rare to have
21 to use a helicopter to get into an area that has no
22 roads to do items (ii), (iii) and (iv) under Field
23 Sampling?

24 A. That's correct. There's wilderness
25 and there's wilderness, you know. The values maps are

1 created from a lot of base knowledge that people have
2 about areas, and we're not suggesting that the costs be
3 excessively laid on to collect this kind of
4 information, it's a reconnaissance level kind of
5 information.

6 We've got photographs, aerial photographs
7 of the area, recent that you can use to look at those
8 areas that there's a probability that there may be some
9 of these types of sites and it's tied to forest
10 structure.

11 So because you're going into an area and
12 building a road, doesn't mean that you're going to have
13 an eagle's nest along the way if you don't have the
14 correct biological features that would have the
15 probability of an eagle nesting there.

16 It's not a stab in the dark exercise that
17 we're suggesting, we're not looking for a needle in a
18 haystack, per se, we're using our best skills through
19 the interpretation of aerial photographs, through
20 knowledge, past experience to determine what the
21 probability of the event of those types of values may
22 be there, and if it warrants it, in exceptional
23 circumstances, yes, I agree, that an aircraft or a
24 helicopter may be required. We frequently use
25 helicopters when we can get away with aircraft.

1 Q. A helicopter, I'm told, costs about
2 \$600 an hour. Now, I guess you now say it's
3 exceptional that you have to do that type of field
4 sampling, but that would be an increased cost when
5 those exceptions were warranted, since that was only
6 professional time you estimated; right?

7 A. Mm-hmm.

8 Q. \$600 an hour over an eight-hour day
9 is about \$5,000. So just one day, if that was an
10 exception, would double that cost; is that right?

11 A. I think that where you're heading
12 here is not an area that I can share.

13 Q. I'm not heading any place.

14 A. That a lot of these surveys are done
15 prior to the allocation of cutting blocks, not just by
16 personnel that may be working for MNR, but personnel
17 that are working for the companies.

18 Q. Fair enough.

19 A. You know, you have to do your cut blocks
20 layout, you do your cruising, and all that stuff is
21 done necessarily without helicopters.

22 Q. Nobody's questioning when it's being
23 done, I'm just trying to get a handle on the cost, Mr.
24 Stewart, and now I find out it doesn't include
25 helicopter time and just one day, I mean, equals the

1 professional time even in exceptional circumstances.

2 I'm just trying to get my handle on the
3 amount of costs here and the estimates to understand
4 whether or not they're accurate, that's all, and I'm
5 having difficulty since you didn't include a
6 helicopter, even in exceptional circumstances. Perhaps
7 I can move on.

8 MADAM CHAIR: Just one question of
9 clarification. Is it your position, Mr. Stewart, that
10 MNR would not have to devote their resources to have
11 someone walk over a preharvest site, that it would be
12 satisfactory to obtain information from existing
13 records?

14 MR. STEWART: I'm suggesting, Madam
15 Chair, that existing records and existing information
16 provide the great vast of foundation base around which
17 we make decisions.

18 There are people crawling over the forest
19 from companies, from government over periods of years
20 information is collected and we're not taking advantage
21 enough of the information that is being missed while
22 people are in those situations. We have to use our
23 resources more wisely, work smarter and I'm saying we
24 can save substantial dollars if that becomes the
25 objective of how we're trying to work out there.

1 MADAM CHAIR: Thank you.

2 MR. CASSIDY: Q. Perhaps then your term
3 and condition 203, I would suggest to you, might have
4 to be reworded - it may not, but you can tell me - but
5 it talks about a reconnaissance level on-site survey by
6 a qualified biologist.

7 I'm getting the impression from your
8 evidence now that he may not have to go on the site.
9 Would you agree with me that if I'm right on that your
10 term and condition is going to have to be amended to
11 take out the words on-site, or add the words, where
12 warranted? 203, Mr. Martel.

13 DR. QUINNEY: A. I think what Mr.
14 Stewart was saying before, I don't believe he said that
15 these on-site surveys should not occur. I think what
16 he said though is that there will be a lot of
17 information available to assist and complete some of
18 the requirements in our terms and conditions without
19 actually being on site, but he never said that that
20 on-site shouldn't occur.

21 Q. All right. Under term and condition
22 203 is a biologist required to get in a fixed-wing
23 aircraft or a helicopter and go out and do an on-site
24 survey; i.e., go on to the area of the corridor in
25 every circumstance, Mr. Stewart?

1 A. Take your time.

2 Q. Take your time, yes, as Mr. Quinney
3 says. I'm not going to finish by the break.

4 Do you want to -- if you want to look at
5 this over the break, we can. I think the Board --

6 MR. STEWART: A. I think we can answer
7 the question for you shortly.

8 Q. Oh do you. Go ahead.

9 A. An on-site survey is what is being
10 asked for. The knowledge that I have of road
11 construction at these levels in any one year are that,
12 in most cases, it is unlikely that you would require,
13 if you were doing ground surveys, the services of a
14 helicopter because the amount of road that is built
15 beyond the point of an existing road at any one time is
16 relatively short distances, and if a person can't walk
17 from what was done last year to what's being done next
18 year - because we're proposing this as part of the
19 annual work schedule not the five-year operation - it
20 could occur in the five-year planning, we would prefer
21 that, but we've clearly stating I think in the
22 interrogatories, and I could find that one, that the
23 expectation is that it be done prior to the issuance of
24 the annual work schedule.

25 MR. CASSIDY: Okay. Madam Chair, I'm

1 about to go into another area with Mr. Stewart that may
2 take some time. Perhaps I could -- unfortunately, I
3 just cannot finish before the break, but I will be
4 about half an hour after the break.

5 If I could suggest we break now and come
6 back in 20 minutes, I could probably finish by a
7 quarter to 11 at the latest.

8 MADAM CHAIR: That's what we will do, Mr.
9 Cassidy.

10 MS. SEABORN: Madam Chair, I had
11 estimated an hour yesterday. I think based on one area
12 Mr. Cassidy has gone into, I will probably only be 10
13 minutes or so.

14 MADAM CHAIR: Thank you, Ms. Seaborn.
15 Mr. Freidin, your estimate?

16 MR. FREIDIN: We will be finished
17 mid-afternoon.

18 MADAM CHAIR: Thank you.

19 MR. FREIDIN: I don't think we will --
20 we'll be finished by four.

21 MADAM CHAIR: Thank you very much.

22 ---Recess at 9:55 a.m.

23 ---On resuming at 10:15 a.m.

24 MADAM CHAIR: Please be seated. Mr.
25 Cassidy.

1 MR. CASSIDY: Q. Mr. Stewart, I just
2 want to come back briefly, before we move into the next
3 area, reconnaissance survey cost, just briefly.

4 Your answer to the Interrogatory 3(a)
5 talked about cost for harvesting, for a company
6 harvesting 6,000 hectares a year. The total figure of
7 course would be 200,000 hectares a year across the area
8 of the undertaking, so it would be reflective of that,
9 but I'm talking -- as I understand it, you did not give
10 an estimate for the construction of primary, secondary
11 or tertiary roads where required for those surveys in
12 term and condition 203, that you didn't provide that
13 estimate in your answer to the undertaking; is that
14 right, for the costs of the surveys when you do those
15 road construction?

16 MR. STEWART: A. Term and condition 203
17 referred to access.

18 Q. No, sir, it doesn't.

19 A. Minimum information requirements.

20 Q. It refers to harvest of forest stand
21 or to construct a harvest road. So, with respect, your
22 term and condition talks to both harvesting and access.

23 A. Yes.

24 Q. Your interrogatory response, however,
25 only gives harvesting estimates.

1 A. So you're suggesting that my response
2 was only dealing with access and not the costs that
3 would be associated with the land base that would be
4 harvested; is that correct?

5 Q. No, no. Term and condition 203 talks
6 about costs and survey design, as I understand, being
7 required before there's a harvest or before there's a
8 construction of timber management roads.

9 A. Right.

10 Q. Your answer to your undertaking seems
11 to only talk about the cost estimates for the surveys
12 for the harvest. All I'm trying to clarify is that the
13 answer to the interrogatory does not discuss those
14 reconnaissance surveys for access roads.

15 It's on page 46, Exhibit 2129.

16 A. I'll just be one second. I should
17 have brought my calculator with me.

18 Q. You can quote whatever figure you
19 want. I just wanted to make it clear that that's not
20 in there. If you want to give me an answer, great, I'm
21 not asking for it, I'm not asking for an undertaking,
22 do whatever you want, but the question I thought would
23 just be a simple yes or no.

24 A. The answer is a qualified yes from
25 me, and I qualify that in the extent that -- let me

1 explain, that the interrogatory response I gave for the
2 reconnaissance requirements, the preparation of
3 information related to that through the analysis of the
4 air photos, et cetera, that lead up to the probability
5 for a need for the level of on-site determination -- I
6 mean, these on-site visits are not intended to be some
7 extensive, expensive exercise.

8 There are areas within there, based on
9 forest structure, that would have a probability of
10 potential impacts, and once we have the areas
11 identified we are simply suggesting that a qualified
12 person go out on site, they've got their by binoculars,
13 they've got their, you know, compass and basic field
14 equipment and they do a brief overview of the area to
15 determine whether or not there are features, as we
16 suggest in minimum information requirements terms and
17 conditions 203, in that area of undertaking.

18 Q. All right. I want to move on to
19 Exhibit 2140, and that's that collection of steps. I
20 once heard steps described as a non-mechanical means of
21 access to grade. We'll call them steps.

22 A. I was hoping we wouldn't use the word
23 step again as long as I was here.

24 Q. Well, I'm sorry, you used the word so
25 I have to, and I want to get a handle on some time

1 frames here.

2 And I'm looking at the third page of
3 Exhibit 2140. Now, you've got 16 steps listed as
4 part -- as the planning sequence for production of a
5 timber management plan which is 10 more than the
6 Ministry -- sorry, six more than the Ministry, but
7 whatever, I want to talk about time frame.

8 I want to know your best estimate - I
9 think Mr. Quinney talked about this - but since you
10 gave evidence about these steps, I want your best
11 estimate as to the time these would take.

12 Now, let's -- and I hope we can do this
13 fairly quickly, but you take the time you need. You
14 tell me your best estimate, Mr. Stewart, based on your
15 experience with one timber management plan under your
16 belt how long Step 1 would take to do in the normal
17 course. And I understand you haven't practised in
18 Ontario for 19 years, but give me your best guess?

19 A. Well, can I refer you to Exhibit
20 2062A, please.

21 Q. Mm-hmm.

22 MR. MARTEL: Which one?

23 MR. STEWART: 2062A, page 1. I can put
24 it on the overhead, if that would help.

25 MR. CASSIDY: Q. Go ahead. I'm sorry,

1 wait. Hang on.

2 MR. MARTEL: We are in this paper war.

3 MR. STEWART: Put it up on the overhead.

4 MADAM CHAIR: Yes, that would be faster,

5 Mr. Stewart.

6 MR. STEWART: Well, we assume it would be
7 faster if I find it.

8 MR. MARTEL: If you can find the
9 overhead.

10 MADAM CHAIR: Oh, here it is. We've got
11 a copy.

12 MR. MARTEL: Okay, here we are. Oh,
13 we're in business.

14 MR. CASSIDY: As they say, you're cooking
15 with gas.

16 MR. STEWART: And if you will notice that
17 we have prepared an analogous sequence of events to the
18 MNR Figure 1 proposal, schedule of timber management
19 plan production, review and approval. I had great
20 difficulty presenting this, I didn't do a very good job
21 on Tuesday and I apologize for that and I'm going to
22 try one more time to --

23 MR. CASSIDY: Q. I'mn sorry, I'm just
24 trying to get to a time frame. I don't think we need
25 to hear again all that evidence. Mr. Martel is shaking

1 his head no.

2 All I want to know is your best estimate
3 as to the time it would take to complete Step 1 on page
4 3 of Exhibit 2140, and I realize that I can't tell you
5 how to answer the question, but if you can give it to
6 me in months or days or years it would be appreciated.

7 I'm just trying to get a handle on the
8 time, not in comparison to MNR's, but your own
9 stand-alone steps. Can you help me?

10 MR. STEWART: A. I would not want to
11 guess step by step. I can give you my estimate on my
12 experience what I think the completion of initial plan
13 will take and subsequent plans in time frames.

14 My personal view is that it would take
15 approximately 18 to 24 months to produce the first,
16 what I would call, integrated plan according to the
17 text as put forth by the Coalition. I also have
18 estimated that the completion of subsequent plans every
19 five years, each of those would likely take in the
20 neighbourhood of a year to complete.

21 Q. If we take 18 to 24 months for all 16
22 steps it roughly calculates out, as I understand it, to
23 about two months per step. Quite frankly, I'm having a
24 little bit of difficulty believing --

25 A. Well, that's not a fair analysis. I

1 mean, some of these --

2 Q. Help me then. I want to get an
3 example of each one. How long for teach step. How
4 long would this take?

5 My clients are facing the prospect of
6 having to plan five years for a five-year plan, so I'm
7 trying to get a grasp from you as to maybe I'm wrong on
8 five years, maybe I'm wrong on three, but tell me,
9 month-by-month please, if you can.

10 A. I can't, in the short time frame, go
11 through step by step and give you that breakdown. I
12 can suggest that the estimate that the Ministry has put
13 forth for doing their plan, the Coalition suggests the
14 same time frame generally and there is some -- like the
15 assembly of background information, that's no different
16 between what the Ministry is planning and what we're
17 suggesting, it's the same information that's being
18 gathered primarily, so...

19 Q. All right. Okay, if you can't help
20 me. Maybe I can talk to you about the problem we have
21 with this, because I hear about the annual work
22 schedule, Mr. Quinney tells me it's going to take a
23 year. Now, there's evidence in this hearing that under
24 the present system the FMA annual work schedules are
25 required now at the end of November for April 1st

1 implementation, and that's four months. Now, I see
2 under your proposals that the annual work schedule is
3 going to be extended by eight months, so I'm having
4 some difficulty -- if that's the scenario in the annual
5 work schedule situation, Mr. Quinney was quite frank
6 saying he just doesn't see how it can be done in less
7 than a year there, that's eight months departure from
8 MNR's annual work schedule situation.

9 I want to really see if I can find out
10 what it is in the five-year plan because, quite
11 frankly, if that's the problem with the annual work
12 schedule, I'm having some difficulty accepting that
13 it's identical to MNR's five-year plan.

14 A. Well --

15 Q. Do you see where I'm coming from?

16 A. I do, and I sympathize with that.

17 Q. But you're not able to give it to me
18 on a step by step basis?

19 A. No, I hope I can relieve some
20 concerns there because once the five -- or the
21 essentially 20-year plan is completed with the detailed
22 five-year analysis, we are suggesting that we will know
23 where we're going over the next five years, and that
24 part --

25 Q. I'm sorry, I missed that. You say,

1 with the current thing in Saskatchewan you will have a
2 better grasp --

3 A. No, I'm saying with the terms and
4 conditions as being proposed by the Coalition that you
5 will have in front of you, once a plan is completed, a
6 relatively detailed understanding of what is going to
7 happen over the next five years in terms of the spacial
8 components, the spacial and temporal factors will have
9 been laid out.

10 Now, the problem that seems to be arising
11 in the annual work schedule are those events related to
12 that reconnaissance survey, which currently is not
13 required as part of the approval process, if you follow
14 me there, and I believe that that does build into the
15 current framework of thinking some delays.

16 But once the industry understands where
17 they're going to be harvesting into the future, some of
18 these, or many of these activities related to the
19 annual work schedule reconnaissance surveys can be done
20 well ahead of time, you know, you could do it a year
21 ahead of time and get the approval process down to a
22 day, if that's what it takes. That's really up to the
23 industry and MNR to determine when they want to do
24 those activities.

25 Q. I'll make one last stab at it and

1 then I'll move on. For example, how long would it, in
2 your view, reasonably take to do Step 7, time frame, on
3 page 3 with public involvement?

4 A. Well, I responded to the question
5 earlier and --

6 Q. You are not able to give me --

7 A. I'm not able to compartmentalize
8 that. I don't view that to be a large step. Step 7 is
9 prior to public involvement.

10 Q. So what, two months, three months,
11 four months?

12 A. If I respond to that I would be
13 guessing and I don't wish to do that. But that is the
14 general -- the lower end of that time frame, I suggest
15 is what's required. And these overlap each other, I
16 mean, there's several going on at once.

17 Q. I think it's fair to say; is it not,
18 that you have to guess now, you have not actually run
19 through a time frame on each one of those steps for
20 today; is that right?

21 A. I have not done that for today. I
22 have suggested that the initial plan would be done in
23 18 months with all of those steps completed.

24 Q. All right.

25 A. Once you've done this once, it's

1 relatively straightforward from then on. I think
2 that's what has to be understood in the process, once
3 you have gone through the initial process you will have
4 streamlined the remainder of all of the subsequent
5 plans that follow into a very compressed time frame
6 because you will have cleaned out a lot -- all of the
7 alternatives that you're looking at, you will have gone
8 through a large part of the exercise in the first plan
9 to look at the resource production possibilities, and
10 my solid belief is that they're not going to change
11 dramatically in five-year increments.

12 Q. I suggest to you, sir, you're
13 guessing.

14 A. I'm not guessing there, not at all.

15 Q. Now, I want to turn you to some
16 exhibits. I asked your counsel to provide you with and
17 those are -- I think the Board was given this list as
18 well. They are the Fort Frances District Land Use
19 Guidelines.

20 A. Yes.

21 Q. That's Exhibit --

22 A. 49, 47 and 48.

23 Q. 47. Do you have the Fort Frances
24 District Land Use Guidelines?

25 A. Yes, I do.

1 Q. I believe that's Exhibit 47. Fort
2 Frances District Land Use Planning, Exhibit 48, the
3 Background Information for Fort Frances District Land
4 Use Plan, and you talk a lot about - and we might want
5 to have Exhibit 2062 up with this as well - you talk a
6 lot about, in Exhibit 2162 -- I'm sorry, 2062, I think
7 it's coloured.

8 MR. O'LEARY: They're both the same with
9 the exception of the one has the box numbers on it.

10 MR. CASSIDY: 2062A I guess is the right
11 designation.

12 Q. If you look at page 2 on that
13 exhibit, Mr. Stewart, you talked a lot in your evidence
14 about resource production possibilities?

15 MR. STEWART: A. Correct.

16 Q. Benefits and costs, and you see that
17 as part of the planning process. And it talks about
18 various options, and you've listed a couple there,
19 wood, moose, tourism and marten. I guess there's four.
20 There could very well be a whole host of other resource
21 production possibilities on a particular unit; couldn't
22 there?

23 A. Absolutely.

24 Q. In fact, in reality, that list could
25 be extended well off the page and onto another page of

1 whole resource production possibilities?

2 A. But there's not very many feasible
3 ones.

4 Q. This one was -- at this point, this
5 table however is just -- you used these as examples of
6 typical feasible ones; right?

7 A. Just examples of units to try to
8 demonstrate how the process would work.

9 Q. Fine. But there may, in fact, be
10 several more feasible ones on a particular unit, or are
11 you telling me that those are the only four that would
12 normally be feasible?

13 A. No, no. No, no. There's unlimited
14 range of these things--

15 Q. Right.

16 A. --that one could look at.

17 Q. And, in fact, if we flip to the Fort
18 Frances District Land Use Plan, Exhibit 48--

19 A. Yes.

20 Q. --if you go to the very last, page
21 170 of that document --

22 A. I may suggest, and I would like the
23 Board to understand that I received these last night
24 and have gone through them, had a brief look at them,
25 so...

1 Q. That's fair enough. That's why I
2 wanted to give them to you last night.

3 A. I mean, I believe I do understand the
4 basic tenet of these plans.

5 Q. I think what you're telling me is you
6 had not had a chance to review this document before
7 last night?

8 A. Correct.

9 Q. So in the preparation of your
10 evidence and in the preparation of Exhibit 2062A you,
11 in fact, were not aware of the existence of this
12 document?

13 A. I had looked at a Wawa Plan, District
14 Land Use Plan, something similar. I had gone through,
15 you know, spent an hour looking at it and getting some
16 understanding of the SLUGs and SLUPs or whatever
17 they're called.

18 Q. Whatever they're called, eh.

19 A. Well, DLUGs.

20 Q. Whatever they call it, is a detailed
21 planning land use planning exercise which was
22 accomplished in this province, as Ms. Swenarchuk said,
23 with a lot of public input.

24 A. Mm-hmm.

25 Q. And I'm looking at that Table 5 which

1 has a lot of different options and - I use the word
2 option because that's what the table says - per cent of
3 targets achievable by option. It also contains a
4 possible percentage target achievement by option.

5 And I'm suggesting to you, Mr. Stewart,
6 that the very exercise that you want to see done in the
7 timber management planning exercise -- pardon me,
8 Exhibit 2062A has already been done in these district
9 land use plans and that you were simply reinventing the
10 wheel in another process?

11 A. Can I refer you to Exhibit 2150 that
12 was given yesterday as an example.

13 Q. Go ahead.

14 A. Will you turn to page 2 I believe of
15 that document, which is the table listing the wildlife
16 management units and the moose populations and targets,
17 and the per cent increases to required to meet those
18 targets.

19 Will you go to wildlife unit 11, please.
20 That is Fort Frances I believe, if I'm correct, and I
21 would like some -- that is Fort Frances, wildlife
22 management unit 11. Well there's 11A on a map and 11B.
23 I believe --

24 Q. What's your best guess.

25 MR. O'LEARY: Well, Madam Chair --

1 MR. DICKSON: Fort Frances is a good
2 guess.

3 MR. STEWART: Well, it is important.

4 MR. O'LEARY: The gratuitous comments
5 from Mr. Cassidy, I've said nothing up to this point,
6 but he's been stating what is presumably considered
7 evidence by some, but just for the benefit of those
8 that have appeared in these sort of hearings before,
9 what Mr. Cassidy states is not evidence, they are
10 gratuitous comments and, with respect, Madam Chair, I
11 would ask that he be instructed to cease and desist
12 respect of these gratuitous comments.

13 MR. STEWART: I wouldn't mind finishing,
14 counsel.

15 MR. CASSIDY: Go ahead.

16 MR. STEWART: Can I go ahead. The target
17 population is 2 993 for moose. Now, I went through the
18 Fort Frances plan this morning about 5:30 and I just
19 looked at moose and I appeared to see in there that
20 there was some suggestion that they had achieved a
21 hundred per cent of their target.

22 There is another target here that
23 requires a 134 per cent increase in the population over
24 the next 10 years which, I suggest, is one of the worst
25 of the wildlife management units.

1 MR. CASSIDY: Q. You have a complaint
2 then with the targets in the Fort Frances District Land
3 Use Plan?

4 MR. STEWART: A. I'm just confused.

5 Q. Well, I can understand that. But
6 what I'm suggesting is it appears what you've just told
7 me is that you're having -- your complaint is that the
8 Fort Frances District Land Use Plan is maybe out of
9 date, wrong, based on wrong data.

10 A. No, what I'm saying is the Fort
11 Frances plan, the target that exists in there - and I
12 don't know if it's the same one that MNR Wildlife
13 Branch has - but I am suggesting there is no
14 relationship in that plan between the forest structure
15 and the habitat that moose depend on and what the
16 targets are, and I don't know whether the targets are
17 realistic or unrealistic but they have suggested
18 they've attained a hundred per cent of it, and from the
19 scrutiny that I have given it I don't know. My valued
20 opinion is, it's difficult to sort this out.

21 Q. Were you aware of the level of public
22 input that went into these district land use plans?

23 A. Obviously not. They are big
24 documents, but I don't know how many meetings were
25 held.

1 Q. In fact, Mr. Monzon - and I don't
2 mean to take the Board back to what is almost ancient
3 history - in Panel 3 -- Volume 3 of the transcript, Mr.
4 Monzon gave a lot of evidence about the level of public
5 input, so I'm not giving evidence, I'm simply
6 indicating what was said on the record. And a lot of
7 public input was had into those plans; wasn't it, Mr.
8 Dickson?

9 MR. DICKSON: A. Yes, there was.

10 Q. And if they're wrong, or if they're
11 out of date they can be updated; can't they, Mr.
12 Dickson, if a process existed?

13 A. You tell me. As far as I know they
14 can, but are they being updated, have they been
15 updated. I don't see much evidence of that where I
16 come from. They may have been updated without our
17 knowledge. The MNR, it's a big project.

18 Q. It's big project. And I suggest that
19 there are terms and conditions from a variety of
20 parties that say that project should be done. I think
21 even the Anglers & Hunters have it in your terms and
22 conditions; right, Mr. Quinney?

23 DR. QUINNEY: A. Yes, but the point
24 here, Mr. Cassidy, is that while there was public input
25 to those targets, there's absolutely no relationship to

1 those targets either at the regional level or the
2 district level with specific land base that provides
3 the habitat to produce that number of animals, and that
4 is precisely the reason why it's necessary to have
5 these targets in the timber management plans, that is
6 precisely the reason it's necessary to start from the
7 bottom up in order to arrive at feasible targets.

8 MR. STEWART: A. There's a perfect
9 example in here. I went through and I spent about 10
10 minutes doing this this morning, looking at Exhibit 47
11 because I was asked to look at this these exhibits, so
12 I did, land use plan, and I looked at the plans that
13 were being presented and -- does the Board want to go
14 through this, or can I just expound on my --

15 MR. MARTEL: Well, I thought the
16 question, quite frankly, was not the moose targets or
17 any other targets, which we now seem to have departed
18 and gone down that path, but the overall information
19 with respect to percentage targets that are possible
20 under any land use plan as opposed to what was
21 suggested on page 2.

22 And I think Mr. Cassidy asked you a
23 rather simple question, was that, these were only
24 representative of four possibilities and that in the
25 Fort Frances plan, pages 170 and 71, there's a whole

1 range, and I think he was simply trying to make a
2 comparison between the four options here and the many
3 options that were developed for Fort Frances under the
4 guidance of or with involvement of many thousands of
5 people or hundreds of hours, whatever you want to call
6 it, and just looking at inventing -- I think he said
7 you were inventing the wheel.

8 MR. CASSIDY: Reinventing the wheel.

9 MR. MARTEL: Reinventing the wheel to say
10 that it could be done in a short term in that box as
11 prescribed by your article 2. That's what I gathered
12 was the gist of it, and moose were only -- you just
13 went down that path, which didn't answer the issue
14 being raised.

15 MR. STEWART: Well, I wished there was a
16 very simple answer to it, but when I went through the
17 maps the same area that had the highest land use
18 capability for agriculture, the highest land use
19 capability for forestry, the highest land use
20 capability for the peat land, the highest land use
21 capability for moose, the highest land use capability
22 for deer, the highest land use capability for mineral
23 extraction, it was all the same area, the lines
24 overlaid each other.

25 MR. MARTEL: I'm not disputing that.

1 I'm simply saying what I thought the question was just
2 referred to using your Step 2 -- or your page 2 in a
3 plan and starting all over again to establish levels
4 which you're proposing that you do when, in fact, under
5 the land use plan those have been done district by
6 district.

7 MR. CASSIDY: Exactly.

8 MR. MARTEL: That I thought was the
9 issue.

10 MADAM CHAIR: I don't know how much
11 farther we can go with this questioning.

12 Dr. Quinney, do we have a statement from
13 the Coalition with respect to your position on the
14 district land use guidelines and the strategic land use
15 plans vis-a-vis the resource production possibilities
16 in each timber management planning exercise?

17 DR. QUINNEY: Yes, Madam Chair. Page 37
18 of our terms and conditions, specifically terms and
19 conditions 217 to 219 and associated rationale, and
20 also term and condition No. 6 where we're saying that
21 all the objectives in the timber management plans,
22 things like the SLUPs, the DLUGS would provide guidance
23 as well.

24 MADAM CHAIR: All right.

25 DR. QUINNEY: So 217 to 219 and results

1 are mentioned in term and condition 6.

2 MR. CASSIDY: That's the difficulty I
3 have, Madam Chair. Because while those terms and
4 conditions are stated there, we've heard evidence, a
5 lot of evidence about page 2 about going through this
6 whole exercise in the timber management planning
7 process--

8 MR. O'LEARY: Is there a question?

9 MR. CASSIDY: --when, in fact, it's been
10 going -- this isn't a discovery, Mr. O'Leary.

11 MR. O'LEARY: No, but it's all been gone
12 over, Mr. Cassidy.

13 MR. CASSIDY: --going through a process
14 that's already been done, and if it has to be updated,
15 it can be done in that process.

16 MADAM CHAIR: Well, the view of the
17 Coalition, Dr. Quinney, with respect to updating the
18 land use planning exercise is that -- what the Board
19 has taken from your evidence is that you don't believe
20 the land use planning exercise should be isolated, you
21 believe that some of the objectives for the land use
22 planning exercise should come from timber management
23 planning--

24 DR. QUINNEY: Precisely.

25 MADAM CHAIR: --as you propose, and so

1 you would not be in favour of updating the land use
2 guidelines separately from timber management plans.

3 DR. QUINNEY: Correct. And even more
4 specifically, you've rightly said, some of the
5 objectives should be in the timber management plans,
6 and it's those objectives dependent on forest
7 structure, just like the wood supply objectives are
8 dependent on forest structure.

9 Clearly in the strategic land use
10 guidelines there are values there, there are objectives
11 there that don't depend on forest structure, therefore,
12 it's quite appropriate that they not be included in the
13 timber management planning process, but those values
14 that are dependent on forest structure, like wildlife,
15 like remote tourism, should be placed alongside timber
16 targets in the timber management plans.

17 MADAM CHAIR: Have we finished with this
18 area, Mr. Cassidy?

19 MR. CASSIDY: Sorry, Madam Chair.

20 MADAM CHAIR: Have we finished with this
21 area? Do you have another question?

22 MR. CASSIDY: Q. I have one final
23 question. Mr. Dickson, were you aware that the
24 district land use guidelines process for Fort Frances
25 District took about three years to do.

1 MR. DICKSON: A. It wouldn't surprise
2 me.

3 Q. Now, this process of updating that
4 though can be done within the time frame that you
5 talked about, Mr. Stewart?

6 MR. STEWART: A. Within what time frame?

7 Q. The 18 to 24-month time frame you're
8 telling me you could do the updating of the district
9 land use guidelines, in addition to doing all the other
10 components of the plan; is that what you're saying?

11 DR. QUINNEY: A. We're talking about
12 separate processes; is that it?

13 Q. I thought they were altogether. You
14 just told me that they were done part and parcel at the
15 same time.

16 A. No, I never said that, Mr. Cassidy.
17 I explained to the Board, those objectives and values
18 belong quite rightly alongside wood supply targets in
19 timber management plans, and that one of the problems
20 with the DLUG exercise in the past and strategic land
21 use plan exercises in the past, even though there was
22 public input, it's my understanding that one of the
23 greatest problems was that alternatives in terms of
24 what could be produced at the ground level, what was
25 feasible, was never presented to the public, the range

1 of feasible alternatives.

2 MR. STEWART: A. GIS technology was not
3 even available then to allow this enhanced process to
4 occur.

5 MR. CASSIDY: I will let page 170 speak
6 for itself and leave it at that, Madam Chair.

7 And those are my questions. Thank you.

8 MADAM CHAIR: Thank you, Mr. Cassidy.

9 Ms. Seaborn?

10 MS. SEABORN: Thank you, Madam Chair.

11 Madam Chair, I just have a brief number
12 of questions for the panel.

13 CROSS-EXAMINATION BY MS. SEABORN:

14 Q. Dr. Quinney, just following along
15 from some of Mr. Cassidy's questions with respect to
16 the annual work schedule.

17 DR. QUINNEY: A. Yes.

18 Q. Would you agree that any proposal to
19 this Board with respect to the annual work schedule
20 must be put forward in such a way that at the time of
21 planning or at the AWS stage any proposed activities
22 must have already been approved in the five-year timber
23 management plan?

24 A. Could you repeat that, please?

25 Q. What I'm suggesting is that at the

1 annual work schedule stage the activities that are
2 scheduled must be activities that have already been
3 approved at the five-year planning level?

4 A. Yes.

5 Q. And does your proposal with respect
6 to the annual work schedule contemplate that same
7 principle being adhered to?

8 A. I believe so.

9 Q. And would you agree with me that the
10 importance of that is that if you're going to propose a
11 new activity at the annual work schedule stage, then
12 you would have to obtain a plan amendment because you
13 would not have had that activity approved by the public
14 or by MNR at the five-year planning stage?

15 A. Yes, I believe that's correct.

16 Q. And so any proposal that you -- that
17 the Coalition would put forward to the Board with
18 respect to the annual work schedule would have to take
19 into account that consideration?

20 A. Yes, that's right.

21 Q. Now, there's been considerable
22 discussion, Dr. Quinney, about the intent of your term
23 and condition 79 and, in particular, the wording.

24 I wanted to clarify a couple of things
25 with you though. In your planning sequence for annual

1 work schedule you contemplate local citizen committee
2 review. Is it your proposal that a vote would also be
3 taken by the LCC with respect to approval of the annual
4 work schedule?

5 A. I believe that's described in our
6 terms and conditions 107, 108, and 109.

7 Q. Well, I've had a look at the terms
8 and conditions. What I want to clarify though is that
9 term and condition 79, where the local citizens
10 committee is apparently going to approve a plan or plan
11 amendment at the five-year stage, is it part of your
12 proposal that at the annual work schedule stage there
13 be some sort of vote as well by the local citizens
14 committee?

15 A. Well, again, I would refer you to
16 terms and conditions 106 through 109 and, again, we are
17 asking for an on-site biological survey and it's
18 possible, as a result of that, some new value might be
19 identified, so we've asked that:

20 "The annual work schedule be
21 circulated to members of the PAC and they
22 have convened a meeting to approve the
23 annual work schedule with respect to
24 site-specific descriptions and no
25 unresolved formal objection to the annual

1 work schedule has been submitted by
2 members of the PAC or the general public.

3 In the event that an objection is
4 filed, the district manager shall
5 immediately convene a joint meeting among
6 the planning team, the PAC and the person
7 objecting to determine the basis for the
8 objection, whether the objection was
9 foreseen and decided upon during the
10 five-year plan, and whether it has arisen
11 from a site-specific concern previously
12 unknown.

13 For example, as a result of that
14 on-site reconnaissance survey:

15 (iv) whether the concern can be resolved
16 to the mutual satisfaction of the
17 parties."

18 Then 108 states:

19 "In the event that a solution acceptable
20 to the PAC and the individual objecting
21 can be devised and a change to the TMP is
22 required, it shall be treated as an
23 administrative amendment and processed
24 accordingly."

25 109:

1 "In the alternative, the planning team in
2 consultation with the PAC shall propose a
3 solution to the concern and the solution
4 shall be processed as a minor or major
5 amendment depending on whether the
6 objectives of the TMP need to be modified

7 A major amendment shall be deemed to
8 occur where either specific quantitative
9 objectives for the timber management plan
10 need to be adjusted in terms of quantity
11 or quality of the supply being
12 provided...", et cetera.

13 Q. No, I understand all of that, Dr.
14 Quinney. It's just a very simple question. MNR in its
15 terms and conditions - and this is a proposal that is
16 supported by MOE - provides for the local citizens
17 committee to have an opportunity to be involved with
18 the annual work schedule in terms of inspecting it, I
19 think is the words used in the terms and conditions,
20 and you have a proposal with respect to the annual work
21 schedule as well.

22 All I'm asking is, when the local
23 citizens committee gets involved at the AWS stage in
24 your proposal, would this 60 per cent vote also kick in
25 as well where you would have a third-party dispute

1 resolution process going to an EA Board for a hearing
2 on an annual work schedule. That's all I'm asking. I
3 understand what your terms and conditions say, I just
4 want to be clear on that.

5 A. I don't believe that's our intent.
6 Our intent is that there be a mechanism to treat
7 objections as either a minor or major amendment to the
8 plan.

9 Q. I understand that. So it's the
10 Coalition's position then that term and condition 79 or
11 the intent of term and condition 79 is not for it to
12 extend beyond the five-year planning stage down to the
13 annual work schedule stage; is that correct?

14 A. I would have to seek clarification on
15 that, I'm not sure.

16 Q. Well, perhaps then, Dr. Quinney, an
17 undertaking could then be provided to clarify that
18 point. And the question I want answered is: Does term
19 and condition 79 kick in at the annual work schedule
20 stage as well as at the five-year planning stage.

21 MS. SEABORN: And I would like to have
22 that information, Madam Chair.

23 MR. O'LEARY: We will be happy to
24 respond.

25 MADAM CHAIR: Thank you, Mr. O'Leary.

1 MS. SEABORN: Q. Now, MNR has proposed
2 in its terms and conditions, Dr. Quinney, a process for
3 issue resolution, MNR terms and conditions 53 and 54
4 which is Exhibit 2032.

5 MR. STEWART: A. 53 and 54, Ms. Seaborn?

6 Q. Yes. Those appear at page 18 of
7 MNR's revised terms and conditions dated January 6th,
8 1992. Now, Dr. Quinney, in terms of issue resolution,
9 is this a proposal that is supported by the Coalition?

10 DR. QUINNEY: A. All parts of term and
11 condition No. 53, (a), (b) and (c)?

12 Q. Yes. I'm asking if the Coalition
13 supports the issue resolution process put forward by
14 MNR in its revised terms and conditions?

15 A. No, not completely. What we have
16 requested in 53(a) is that, again, the local citizens
17 committee be given additional powers with reference to
18 the third-party arbitration and that goes back to term
19 and condition 79 which is being revised.

20 It's my recollection that the other parts
21 of that term and condition, that is (b) and (c) were
22 acceptable to the Coalition.

23 Q. Would it be fair to say then that in
24 your process you would see issue resolution as set out
25 in terms and conditions 53 and 54 occurring before your

1 local citizens committee took its 60 per cent -- took
2 its vote with respect to approval of the plan?

3 A. Oh yes, yes.

4 Q. So if we look at the sequence of
5 events, if there was a problem within the local
6 citizens committee, a problem with the planning during
7 the planning, you would then see this issue resolution
8 process occurring prior to the local citizens committee
9 getting together to take this vote that you talked
10 about?

11 A. Yes, I believe so.

12 MR. O'LEARY: I wonder, Madam Chair, if
13 while we are on this line of questioning, I note we did
14 not mark that graphic depiction yesterday as an exhibit
15 and that relates to this issue. Perhaps we might mark
16 that as an exhibit now.

17 MS. SEABORN: It doesn't really matter to
18 me, Mr. O'Leary. I just wanted to be clear on the
19 sequence of events. I'm not going to be referring to
20 it.

21 MADAM CHAIR: Well, Mr. O'Leary, if you
22 want that to be made an exhibit, we can do it, but you
23 will have to give it a title.

24 MR. O'LEARY: I think we would. It's a
25 graphic depiction of the issue resolution process as

1 described by the Panel 9 witnesses in their
2 evidence-in-chief.

3 MADAM CHAIR: And that was yesterday.

4 MR. O'LEARY: Yes, it was. Could we have
5 an exhibit number?

6 MADAM CHAIR: That will be Exhibit 2152.

7 ---EXHIBIT NO. 2152: Graphic depiction of issue
8 resolution process as described
9 by Panel 9 witnesses in their
evidence.

10 MADAM CHAIR: Go ahead, Ms. Seaborn.

11 MS. SEABORN: Q. And, Dr. Quinney, I
12 understand as well from the evidence and the
13 interrogatory responses that the Coalition is still
14 supportive of the bump-up provisions as set out by MNR
15 in its terms and conditions; is that correct?

16 You have this issue with respect to the
17 60 per cent vote of the LCC which, I submit, is a
18 discreet issue, but in terms of the bump-up process
19 generally, I take it the Coalition does not dispute
20 those provisions put forward by MNR?

21 DR. QUINNEY: A. Could you refer me to
22 specific terms and conditions?

23 Q. Well, that's from your interrogatory
24 response.

25 Madam Chair, Exhibit 2129 was the package

1 filed, page 7. MOE Interrogatory, Question 12.

2 DR. QUINNEY: A. Yes.

3 MADAM CHAIR: Which page is that on, Ms.
4 Seaborn?

5 MS. SEABORN: Page 7 of Exhibit 2129.

6 MADAM CHAIR: Thank you.

7 MS. SEABORN: Q. Now, we had -- out of
8 the evidence there had been a statement that once the
9 review process is completed, and this may include a
10 bump-up to an individual EA, the implementation phase
11 of the timber management plan begins.

12 And in Question 12(a) we had asked:

13 "Is the witness referring to OFAH/NOTOA
14 term and condition 79 which requires an
15 automatic board hearing or some other
16 provision?"

17 And in the response we were told:

18 "I am referring to the bump-up provisions
19 included in all Class EAs of which I'm
20 aware. MNR term and condition 60 and
21 Appendix 15 have been indicated as being
22 essentially acceptable to the Coalition."

23 And then you go on and refer to term and
24 condition 79 as being appropriate as well.

25 So based on that response, it was my

1 understanding that you're not disputting MNR's bump-up
2 provisions per se, but you have there added -- you
3 have, what I call, an added twist to it, you're asking
4 as well for the local citizens committee to have a
5 discreet right?

6 DR. QUINNEY: A. Yes.

7 Q. Okay. And you would agree then;
8 wouldn't you, under the existing bump-up provisions,
9 any individual, whether they're a member of a local
10 citizens committee or a member of the public, could in
11 their own right request a bump-up at any time during
12 the planning process?

13 A. Yes, that's my understanding, yes.

14 Q. Then, Dr. Quinney, is it your
15 understanding that the Coalition is under an obligation
16 when it files its revised terms and conditions to
17 ensure that those terms and conditions reflect the
18 agreements that were reached in the Illing report?

19 A. Yes.

20 Q. And you made -- I believe it was
21 yesterday or the day before, you indicated to the Board
22 that you hoped that the Board would accept your terms
23 and conditions as a complete package.

24 I take it though that your package in
25 terms of Exhibit 1637 will have to be changed to the

1 extent that agreements were reached in the Illing
2 report?

3 A. Yes, and that would be in fact a
4 revised Appendix C that's already in the terms and
5 conditions.

6 Q. Well, in the terms and conditions you
7 have an Appendix C where you talk about which terms and
8 conditions of MNR are acceptable.

9 What I'm suggesting is that there are a
10 number of other parties to the hearing, the major
11 parties of which have also agreed with the contents of
12 the Illing report, and I would suggest to you that the
13 Coalition would be under a positive obligation to
14 ensure that their terms and conditions reflect the
15 agreements reached with all parties, not just comment
16 on the acceptability of MNR terms and conditions?

17 A. I understand. Yes, that's fine.

18 Q. And in your current terms and
19 conditions your proposal in term and condition No. 2 -
20 I don't think it's necessary to go there - is that your
21 proposals could be implemented within eight months of
22 the decision of the Board; correct?

23 A. With reference to term and condition
24 5?

25 Q. No, with respect to term and

1 condition No. 2 of Exhibit 1637--

2 A. Yes.

3 Q. --says that:

4 "These terms and conditions shall come
5 into force eight months following
6 issuance of this decision, except where
7 otherwise specified in any individual
8 term and condition."

9 A. Yes, yes.

10 Q. And, Mr. Dickson, I took it from your
11 evidence that NOTOA as an organization supports the
12 replacement of the existing tourism guidelines with
13 this Forest Recreation Design Manual?

14 MR. DICKSON: A. That's correct.

15 Q. So is it your understanding then
16 within eight months of the Board's decision we would,
17 in the field, no longer be relying on the tourism
18 guidelines but we would have this Forest Recreation
19 Design Manual that we would be using?

20 A. That would be our hope.

21 Q. And in terms of what this design
22 manual will look like, the evidence the Board has with
23 respect to that is really as set out in the terms and
24 conditions, based on your oral testimony. You went
25 through the terms and conditions and said these are the

1 sorts of things you would see being in the Forest
2 Design Recreation Manual.

3 A. That's correct.

4 Q. And are those the sorts of things
5 that NOTOA as an organization would see in that manual?

6 A. Yes.

7 Q. And, accordingly, I take it then that
8 the Coalition and NOTOA would not support MNR
9 continuing with its long-term effects/effectiveness
10 monitoring program with respect to the tourism
11 guidelines? Are you aware of that program, Mr.
12 Dickson?

13 A. Yes. You know, I'm not -- I didn't
14 write it, I didn't design it, I have been involved in
15 it.

16 DR. QUINNEY: A. And that's right, we
17 believe that those resources could be better deployed
18 elsewhere, and the rationale term and condition 183 may
19 assist you in that regard.

20 Q. I just want to be clear in terms of
21 the Coalition's position then.

22 MR. MARTEL: Which T and C was that?

23 DR. QUINNEY: Terms and conditions 183 to
24 189 describe the contents of the Forest Recreation
25 Design Manual, and I'm saying that in asking that the

1 Forest Recreation Design Manual replace the guidelines,
2 then clearly the so-called effects monitoring
3 associated with those guidelines, those resources would
4 be redeployed with reference to our terms and
5 conditions.

6 MR. MARTEL: Could that be developed in
7 eight months. This whole manual, could it be ...

8 DR. QUINNEY: We think enough to proceed,
9 Mr. Martel. Enough to proceed.

10 MR. MARTEL: Well, what does that mean.
11 You see, if you're going to go out there and do a whole
12 series of things on behalf of the tourist industry, to
13 make it work one would have to know exactly what you're
14 talking about, what values you're going to protect, how
15 you are going to protect them, a whole series of
16 matters would have to be -- what are they doing -- when
17 something isn't there, a situation arises, the manual
18 doesn't cover it because you say you would have enough
19 to start, what do you do then?

20 DR. QUINNEY: Well, when I say enough to
21 start, in other words, the contents of those terms and
22 conditions 183 to 189 could certainly be done within
23 the time period from your decision, eight months.

24 MADAM CHAIR: Ms. Seaborn?

25 MS. SEABORN: Q. Mr. Dickson, my point

1 in terms of my question to you is, the individual
2 experience of the tourism industry is that, according
3 to the proposal that's being put forward a Recreation
4 Design Manual is going to be - if the Board accepts
5 this proposal - required within eight months of the
6 Board's decision and that manual would be prepared
7 without the benefit of the effects/effectiveness
8 monitoring program that the Ministry is prepared to do
9 and, as I understand it, is underway now, so we would
10 not have the benefit the results of that monitoring
11 program prior to putting into place this Forest
12 Recreation Design Manual.

13 And have you considered that problem or
14 have you raised that concern either within the
15 Coalition or with your members.

16 MR. DICKSON: A. I'm not aware of it
17 being raised, no.

18 Q. So that particular concern hasn't
19 been raised with NOTOA?

20 A. As far as I'm concerned, I don't
21 know. I don't know if it has or not at the Board level
22 recently. I do know that the tourism guidelines are
23 outdated and need to be revised and they haven't
24 been -- they're guidelines and they really haven't been
25 put into practice, and I think that is one of the big

1 concerns of our industry, they're guidelines, they're
2 not rules and hopefully --

3 Q. Would you see the Forest Recreation
4 Design Manual as being a set of rules?

5 A. Well, maybe I shouldn't use the word
6 rules, but I would like to see it presented in a more
7 committed manner than it has been in the past; i.e.,
8 the guidelines.

9 Q. Okay.

10 A. For instance, one of the things that
11 concerns our industry is that they'll make -- they'll
12 identify a remote tourism opportunity in a district and
13 because of activities that take place after that has
14 been identified or during, it no longer becomes a
15 remote tourism possibility or it's no longer usable for
16 us in that way, or an existing operation inadvertently
17 gets accessed so we can't use it.

18 And the design manual -- I think since
19 the guidelines have been put out the logging industry
20 has moved very quickly and more and more people have
21 been adversely affected as this access -- I mean,
22 there's a lot of good stuff here can be put forth to
23 that. There are a lot of good ideas, you know, that
24 can be put in that Design Manual immediately. For
25 instance, in a five-year plan something like this has

1 to happen for the tourism industry, \$10,000 all cost
2 and that saves -- as I understand it.

3 DR. QUINNEY: A. Just starting from
4 scratch also.

5 MR. DICKSON: A. That's right.

6 DR. QUINNEY: A. We've said that some of
7 the concepts and details that exist in the current
8 guidelines would be incorporated in this new design
9 manual.

10 Q. Is it fair to say, Mr. Dickson, then
11 that the contents of what would be in this manual have
12 really not been thought out beyond what's in the terms
13 and conditions,

14 MR. DICKSON: A. In our terms and
15 conditions?

16 Q. Yes.

17 A. I don't think that's fair, no.

18 Q. Well, have you actually done a study
19 or sat down with the existing tourism guidelines and
20 plotted out how you would make those different?

21 A. NOTOA has not done that, no.

22 Q. Okay.

23 A. MTR may have and hopefully they're
24 working on it. There is another industry out here
25 that, you know, has an interest in what we're doing and

1 I can't answer on behalf of them. I would hope there
2 has been, for instance, economic impact studies other
3 than the two we've seen.

4 Q. Okay. But you don't know that?

5 A. No.

6 Q. And all I'm suggesting to you is that
7 MNR has proposed in its terms and conditions that a
8 study will be done to assess the efficacy of the
9 existing guidelines, and wouldn't you agree with me
10 that it may be useful, before we jump ahead and design
11 a new manual to look at those monitoring results?

12 A. Yes.

13 Q. That's all I'm asking.

14 A. Yes, and I didn't understand. Yes, I
15 would.

16 Q. Thank you. Just one more question,
17 Dr. Quinney. In terms of this 60 per cent vote, would
18 you agree that if there was an individual who was on
19 the -- that was in the minority was unhappy with the
20 direction of the plan, that they may decide to go off
21 on their own in any event and request a bump-up,
22 regardless of what the outcome is of this vote?

23 DR. QUINNEY: A. Well, again, it's my
24 understanding that any citizen, any citizen in this
25 province is certainly entitled that.

1 Q. Right. And that could be someone who
2 is on the local citizens committee?

3 A. Yes.

4 MS. SEABORN: Thank you. Those are all
5 my questions, Madam Chair.

6 MADAM CHAIR: Thank you, Ms. Seaborn.

7 Mr. Freidin.

8 MR. FREIDIN: I wonder whether we can --

9 MADAM CHAIR: Oh, we've got to have a
10 switch. All right.

11 MR. FREIDIN: You don't have to, but if
12 it's accommodating, I like to look straight at the
13 witnesses.

14 MR. O'LEARY: Anything to accommodate
15 you, Mr. Freidin.

16 ---Short recess

17 MADAM CHAIR: Please be seated.

18 Mr. Freidin.

19 CROSS-EXAMINATION BY MR. FREIDIN:

20 Q. Dr. Quinney, I want to ask you some
21 questions about the evidence you gave in relation to
22 the Caution Lake Road and the exhibit which really
23 comprised most of that was Exhibit 2143, that was
24 correspondence between the OFAH and the Ministry, I
25 guess about a year or a year and a half ago it was.

1 MADAM CHAIR: The exhibit number, Mr.
2 Freidin?

3 MR. FREIDIN: 2143 is what I wrote down
4 on mine.

5 MR. MARTEL: Yes, thanks.

6 MADAM CHAIR: Thank you.

7 DR. QUINNEY: And is there a particular
8 item?

9 MR. FREIDIN: Q. Well, have you got the
10 correspondence in order?

11 DR. QUINNEY: A. Yes, I believe I do.

12 Q. Okay. What I want to do with you,
13 Dr. Quinney, is assist you to review briefly the
14 history of that particular situation and basically make
15 sure that we understand the process which was followed
16 as opposed to getting into the technical details about
17 how they dealt with that particular rookery.

18 Now, am I correct that the fact that the
19 road was going to be built came to Mr. Alexander's
20 attention through some means; is that correct?

21 A. Yes.

22 Q. And we aren't sure whether he knew
23 about the rookery being in that location or whether the
24 Ministry advised him of that, we're not sure about
25 that?

1 A. That's correct.

2 Q. Would you agree then that the process
3 worked, the process which was in place worked in the
4 sense that notification came to Mr. Alexander's
5 attention that the road would be built and before any
6 operations took place the identification of this
7 rookery, in fact, became known, it was identified. The
8 process worked to that point; right?

9 A. Yes.

10 Q. Okay.

11 A. Again, as I've explained to the
12 Board, one of the major problems we had here was the
13 short time span we've had to respond.

14 Q. All right. Now, you had a short time
15 to respond because there was some problems with the
16 letters going back and forth, but would you agree with
17 me, sir, that as a result of the letters, as a result
18 of the notice, the process worked in the sense that the
19 potential problem was identified and as a result of
20 communications initiated by somebody out in the public,
21 a member of OFAH, communications took place such that
22 there was a decision within a very short period of
23 time. I'm referring to the February 20th, 1991 letter
24 from Mr. Pyzer, february 20th 1991.

25 What happened was, he received a letter

1 from you on February the 15th--

2 A. Mm-hmm.

3 Q. --saying one of our members has found
4 about this problem, they're concerned about it and you
5 set out a fairly lengthy letter setting out your
6 concerns and asking that certain questions be answered.
7 Is that right?

8 A. Yes.

9 Q. And within two days, or five days Mr.
10 Pyzer the district manager says:

11 "I have received your letter. Given the
12 concerns that your organization raised
13 and our desire to have support of OFAH on
14 this issue, I have decided to defer my
15 decision respecting this amendment."

16 Now, it seems to me that the process is
17 working in the sense that a concern has been raised by
18 member of the public, a lot of questions have been
19 asked and the district manager, I would suggest, takes
20 a very reasonable approach and says: Well, we're going
21 defer to a decision respecting this amendment and it
22 says:

23 "I will continue to keep you informed.

24 I can assure that no final decision will
25 be made on the amendment until we have

1 responded to your specific questions and
2 consulted further with your
3 organization."

4 That's a reasonable response; is it not?

5 A. Yes.

6 Q. So the process worked to that point
7 in time. And I understand now there's some question
8 about the length of time it took them to get back.
9 Would you agree, sir --

10 A. Well, just a sec. As a result of
11 February 20 letter, yes, I agree that that was a
12 reasonable response from Mr. Pyzer and we appreciated
13 that, but please keep in mind, up until that point, I
14 mean, we're under the impression that we've got
15 basically, you know, a grand total of two weeks to
16 respond to this thing.

17 Q. And you wrote a letter and said that
18 it wasn't enough time and you asked a number of
19 questions and they just said very reasonably: well,
20 having regard to the fact that you want to deal with
21 this and that's not enough time, we'll answer your
22 questions, and they took a long time and gave you a
23 very lengthy response, about eight months later.

24 Now, what's wrong with that process?

25 A. Well, as I stated to the Board when I

1 gave this evidence, that the end result has been a
2 mutually satisfactory -- basically a mutually
3 satisfactory resolution. What I was trying to point
4 out to the Board is hopefully this type of -- the type
5 of delays can be avoided in the future.

6 Yes, Mr. Pyzer on February 20, '91 told
7 us he would continue to keep us informed and that no
8 final decisions would be made but, to be honest, I did
9 not expect that when he said, continue to keep us
10 informed, the next we'd hear from him would be nine
11 months later.

12 Q. So would you agree that nothing
13 happened in terms of adverse effects on that heron
14 rookery in the nine months?

15 A. Correct.

16 Q. So you would like the Ministry to be
17 more efficient in dealing with concerns, which is what
18 you're saying; right?

19 A. Yes.

20 Q. But the length of time that it took
21 in this particular example had no adverse effect on the
22 heron rookery which was the subject matter of your
23 concern; did it?

24 A. That's right.

25 Q. All right. Now, you made a point,

1 sir, that -- when you looked at the lengthy letter of
2 November the 26th, 1991 from Mr. Pyzer basically
3 responding to the questions that you had posed earlier
4 in that year you were taken by your counsel to the
5 second last page of that letter, and under this heading
6 Monitoring, you were referred to the comment that the
7 Ministry agreed that there should be some monitoring,
8 and you said that was consistent with your terms and
9 conditions because you're proposing monitoring as well;
10 right?

11 A. Yes.

12 Q. Can you just confirm, sir, that in
13 the very first letter, the very first letter that went
14 out to Mr. Alexander - it's the first letter in the
15 package - February the 13th, 1991 where he was given
16 the documentation to that point in time in relation to
17 minor amendment, that if we go to the third page --
18 pardon me, the second page of the document entitled
19 Minor Amendment that was attached, Alternative 1 in
20 fact sets out in the last part of the rationale a
21 proposed monitoring program in relation to that
22 particular rookery on the assumption that the road was
23 going to be built as proposed in that minor amendment.
24 About 10 lines up from the --

25 A. Which page are you on?

1 Q. The second page. See where it says
2 Alternative 1.

3 A. Yes.

4 Q. It says Rationale, go down right in
5 the middle of that first paragraph it says:

6 "The MNR will conduct a high priority
7 compliance...", et cetera?

8 A. Yes.

9 "...effectiveness monitoring program..."

10 A. Yes.

11 Q. "...to determine the impact of the
12 close proximity of the road...", et
13 cetera.

14 A. Yes.

15 Q. I just want to confirm with you, sir,
16 that the Ministry in this particular case instituted or
17 was suggesting the institution of a monitoring program
18 quite independent of any suggestion or urging by your
19 Association?

20 A. Yes, they mentioned the word
21 monitoring and in then my February 15, '91 letter in
22 response I expanded on that topic.

23 Q. Right. And I understand that what's
24 happened, is that there's basically been agreement
25 between the Federation and the Ministry regarding how

1 this rookery will be dealt with but there's still an
2 outstanding discussion or issue as to the specifics of
3 the monitoring; is that right?

4 A. Yes.

5 Q. All right. But your terms and
6 conditions, as I read them, would suggest that there be
7 a similar monitoring program for every area of concern;
8 is that correct? A monitoring program along these
9 lines for every area of concern?

10 A. Well, as I explained to the Board, in
11 the case of a similar situation with a heronry, the
12 level of monitoring we were requesting would take half
13 a day by a summer student.

14 Q. Am I correct that you are requesting
15 that there be a monitoring program along these lines in
16 terms of effectiveness in relation to every area of
17 concern, whether it's a heron rookery or whether
18 it's -- or do I misunderstand your terms and
19 conditions?

20 A. I believe you misunderstand, because
21 I think we have tried to explain fully that the level
22 of monitoring, the level of effort will be
23 site-specific decisions. Depends on the nature of the
24 question.

25 Q. Right. Are you aware of the

1 Ministry's term and condition about updating these
2 various manuals, resource manuals?

3 A. I have looked at the MNR terms and
4 conditions but I don't think I could say I'm familiar
5 enough to talk about them without having them in front
6 of me.

7 Q. There was a periodic review of those
8 particular manuals by experts in certain areas and
9 people with field experience to update those manuals on
10 a regular basis, the kinds of information that was in
11 existence in relation to rookeries but was not in the
12 guidelines would hopefully get incorporated in the
13 revisions.

14 A. Yes.

15 Q. All right.

16 A. Yes.

17 Q. And it would be available in one spot
18 as a result.

19 A. Well, yeah, and disseminated.

20 Q. Now, in terms of the annual work
21 schedule, I want to ask you some questions about that,
22 if I might. If I can find my annual work schedule
23 questions.

24 Would you please turn to your terms and
25 conditions in relation to annual work schedule, those

1 are 102 to 109.

2 Now, you were asked some questions by Ms.
3 Seaborn about activities being approved in the
4 five-year plan -- if they were approved in the
5 five-year plan, then you assumed it was all right to
6 conduct them in the field on an annual basis; correct?
7 You're saying yes?

8 A. I think that's what I said.

9 Q. Now, you say in term and condition
10 105 that:

11 "The AWS shall provide the detailed
12 design, layout, implementation schedule
13 and environmental protection measures for
14 all..."

15 And you say in No. (ii):

16 "Areas selected for harvest, including
17 the harvesting technology."

18 Now, what kind of detail are you
19 contemplating that you would have in your annual work
20 schedule, if any, in relation to harvesting technology?

21 What I'm getting at is, how specific are
22 you suggesting this annual work schedule should be?

23 A. Simply the types of harvesting
24 effort. We're not asking for -- to give people an
25 idea, for example, of the methods and equipment that

1 would be used in that area.

2 Q. Okay. The methods and the equipment,
3 all right. So in terms of 105(iii) you say you also
4 want:

5 "Areas selected for renewal including
6 site preparation and regeneration
7 techniques."

8 Now, what kind of level of precision are
9 you asking for in relation to techniques?

10 A. Well, again, an example would be the
11 type of equipment being used.

12 Q. All right. Now, you say in the
13 rationale for 105 that you want this information to be
14 provided:

15 "So that the public will be provided with
16 access to these key environmental
17 decisions, the annual work schedules must
18 include the necessary site-specific
19 information supporting the proposed
20 timber management actions."

21 Now, are you contemplating a situation,
22 Dr. Quinney, where a silvicultural ground rule at the
23 five-year level will have approval for site
24 preparation, for instance, as a -- pardon me, heavy
25 mechanical as a site preparation technique, that you

1 want to see the harvesting technology finally decided
2 upon to be actually specified that they were going to
3 use a certain kind of skidder and maybe they're going
4 to use barrels and chains, or they were going to use a
5 Bracke scarifier or -- is that the level of detail that
6 you're saying you want to see in an annual work
7 schedule, the choice of a specific piece of equipment
8 that you're going to use to implement the approved
9 activity of heavy site prep?

10 A. Yes, I think we did want to see
11 examples of that.

12 Q. Okay. Why? And I will tell you
13 where I'm going. I would think there would be a lot of
14 people -- or some people might be concerned if you're
15 saying that at that stage, if you have approval for
16 heavy site preparation, and then the decision is made
17 at the annual work schedule level that they want to do
18 that with barrels and chains as opposed to a Martini
19 plow, that they should have the flexibility to do that
20 and people should not be able to second guess them on
21 that and bump them up on that kind of decision, that
22 that is a level of detail which is unreasonable to get
23 into at the annual work schedule level.

24 Particularly, if it means that somebody
25 can get into a technical debate as to whether this

1 piece of equipment or that piece of equipment is the
2 best, and off we go to the Environmental Assessment
3 Board or somewhere else on that kind of a technical
4 issue, and that's my concern.

5 What do you say? Do you think the
6 concern is a valid one?

7 MR. STEWART: A. I think it's
8 reasonable.

9 Q. If the concern is valid, then how do
10 you deal with it in terms of making sure -- so if it's
11 reasonable then --

12 A. No but, as I understand the terms and
13 conditions of the Coalition, that this is not an issue
14 that would hold up approval. It's not an issue to hold
15 up approval, okay.

16 And it is reasonable to assume that if
17 the Industry or the Ministry has information on the
18 soil types that are in the area, and heavens, I mean,
19 there is sort of an effects thing that has gone over
20 the last many years of forest harvesting, that there is
21 a primary understanding of the types of equipment that
22 you would potentially be using in the area.

23 Now, if you go in there and the soil
24 types are different than what you're suggesting and you
25 want to use a different piece of equipment to achieve

1 your silvicultural objectives, there is not a
2 suggestion here that the approval is being denied on
3 that basis.

4 Q. Okay. Let's not worry about the
5 specific wording at the moment. Would you agree then
6 that the way the planning process works now, the one
7 that's being proposed by the Ministry, and the way it
8 works generally now is at the five-year level in
9 preparing a plan, you will indicate that you will want
10 to use heavy site prep, you might even want to say
11 chemical site prep may be an option, and you go through
12 that process, you get approval at the five-year level
13 to use either one of those depending on the situation
14 that you find.

15 Now, let's assume - let's make it simple,
16 you've got -- heavy site prep is the only site prep
17 method which is approved, so you get out there in the
18 field at the annual work schedule level and you have a
19 choice of a number of pieces of equipment which will in
20 fact fall in that category of heavy site prep.

21 And I hear you saying, Mr. Stewart and
22 Dr. Quinney, I hear you saying -- all right. Mr.
23 Stewart, I hear you saying it would be unreasonable to
24 get into a debate in a public planning process at the
25 annual work schedule level about whether a piece of

1 heavy equipment -- heavy site prep equipment "x" was
2 better than "y" or was better than "z".

3 I'm saying, that decision shouldn't even
4 be up for grabs and discussion in a public planning
5 process, that you've got -- the kind of undertaking
6 we're talking about here, you've got approval for heavy
7 site prep and you should be able to use the kinds of
8 heavy site prep equipment which are available without
9 getting into a debate at the local level.

10 Now, do you agree with that. Is that
11 what you said was reasonable, conceptually, Mr.
12 Stewart?

13 A. Conceptually, personally I'm
14 following the logic here.

15 Q. And, Dr. Quinney, do you agree with
16 that?

17 DR. QUINNEY: A. Yes, but I can also see
18 that these decisions are going to be site-specific and
19 that those types of equipment are going to vary.

20 Q. But they are site-specific?

21 A. Mm-hmm.

22 Q. But if you have approval in your
23 silvicultural ground rules to use heavy site prep on
24 certain kinds of site types as described, don't you
25 agree that the decision as to what type of heavy site

1 prep to use should be the sole discretion of the
2 professionals who are paid to be out there and making
3 those kinds of technical decisions; i.e., the
4 foresters, and that you shouldn't have a process which
5 allows a member of the public at the annual work
6 schedule level in the situation I've described to come
7 along and say: Oh, no, I don't agree with you, you
8 could build me -- you could do a much better job if you
9 used this piece of heavy site prep equipment as opposed
10 to that one. Now --

11 MR. STEWART: A. It appears that --

12 Q. No, I want Dr. Quinney -- I've got
13 your evidence, Mr. Stewart, I want Dr. Quinney --

14 MR. O'LEARY: You didn't direct it at
15 either and Mr. Stewart is able to respond.

16 Can I just ask a question. Is your
17 question then, in all circumstances, even where
18 something that wasn't foreseen in the five-year plan is
19 identified; is that your question?

20 MR. FREIDIN: I'm talking where an
21 amendment is not required. We're not talking about
22 amendments here, we're talking about operations in
23 what's been described as normal operating areas where
24 you've got approval for a silvicultural ground rule.

25 Now, I would like Dr. Quinney to answer

1 this question. I know you're appearing on behalf of
2 the Federation.

3 Q. And we will go back to you as well,
4 Mr. Stewart, but I've got -- I want to do this in
5 pieces. I got your answer the first time.

6 MR. STEWART: A. All we want to provide
7 is an answer and does it matter if it comes from Dr.
8 Quinney or I can help. I'm only here to help.

9 Q. Dr. Quinney, listen very closely
10 because I'm going to ask if you agree with Mr. Stewart.

11 A. And I'm giving my assessment of the
12 situation, that all that's being asked for in the work
13 schedule that the information be provided and at the
14 detail of getting down to the annual cut and the site
15 prescriptions that are going to be carried out, it's
16 not an unreasonable request, it's not an element that
17 is hinging on approval, it's important to understand
18 the effects monitoring that's going to go on with
19 respect to the kind of equipment that's used, that all
20 heavy site prep equipment is not the same, that there's
21 different objectives with respect to the equipment that
22 are trying to be achieved on a particular topic.

23 Q. Do you agree with that, Dr. Quinney?

24 DR. QUINNEY: A. Yes, I would.

25 Q. Now, would you agree, sir -- well,

1 I'm not sure whether I've got anybody here that's got
2 enough field experience in forestry operations to
3 answer this question, but let me ask you specifically,
4 Dr. Quinney, or I will ask anyway.

5 Is it not true in many cases at the
6 annual work schedule level you might not know the
7 specific piece of equipment that you're going to use
8 because the specific piece of equipment that you might
9 want to use will depend on weather conditions, it might
10 depend on factors that you determine once you actually
11 harvest the area?

12 Doesn't that happen from time to time?
13 Do either of you know whether it happens from time
14 time?

15 MR. STEWART: A. Oh, I know it happens
16 from time time under the current situation, all I'm
17 trying to do is relate that to the reasonableness of
18 asking somebody to indicate what their plans are for
19 the area.

20 Q. Okay.

21 A. Okay.

22 Q. All right. So you're saying, do the
23 best you can in terms of particularizing the equipment
24 that you can, that you're going to use; is that what
25 you're saying?

1 A. That's what I'm saying.

2 Q. Dr. Quinney, is that what you're
3 saying?

4 DR. QUINNEY: A. I'd agree with that.

5 Q. And if you do that, can you answer
6 this question: That it's a given as a matter of
7 information to the public -- all right. And given that
8 there are no - you're in a situation where there is no
9 need for an amendment to the approval, that there
10 shouldn't be a debate, you shouldn't entertain debates
11 at that level between the public and the technical
12 people as to the choices of that piece of equipment.

13 And the reason I'm asking that is because
14 I want to make sure that this is a subject matter that
15 cannot be made the subject of a bump-up or an appeal
16 because you've got to draw the line somewhere.

17 I tried to make this point before. I say
18 you've got to draw the line somewhere between where the
19 public input stops and where you leave the decisions to
20 the professionals you're paying to implement the
21 objectives, implement the plan and achieve the
22 objectives. And that's why I'm saying, this is a
23 subject matter that I want your Coalition's position
24 on.

25 I'm suggesting to you that it's

1 reasonable that the kinds of decision I'm talking about
2 now is not one which should be a subject matter that
3 can in fact be dealt with on a bump-up.

4 A. That would be my understanding, but I
5 will seek additional clarification for you, Mr.
6 Freidin. But my understanding of the terms and
7 conditions, it was never our intention here to open the
8 possibility for some kind of frivolous bump-up. That
9 wasn't the intention.

10 Q. Well, yeah, I know, but I'm just
11 saying that there's a category that would be frivolous.

12 I'm saying that if you've got approval in
13 your SGRs for certain kinds of timber management
14 activities and you go out in the field and you find
15 that the conditions are those that are contemplated,
16 the kind that are contemplated when you prepare a
17 silvicultural ground rule, that you should be free to
18 use the appropriate piece of equipment and it would
19 be frivolous for someone to come along and say: Oh no, use
20 this piece of equipment as opposed to that because it
21 might be a little more efficient.

22 That's what I want the Coalition's clear
23 position on.

24 MR. O'LEARY: Well, we are happy to give
25 you an undertaking in that respect.

1 DR. QUINNEY: I can't be any more helpful
2 at this point. I personally can't be any more helpful
3 to you, but we will do that for you.

4 MR. FREIDIN: Q. But you indicated to me
5 I think what your initial view of the matter is.

6 DR. QUINNEY: A. Yes.

7 Q. All right.

8 A. That we--

9 Q. All right, that's fine.

10 A. --we don't want to see frivolous
11 house bump-up.

12 Q. Is it your personal view, Dr.
13 Quinney, that in a situation as I've described it would
14 be a frivolous sort of bump-up and, therefore, a
15 situation which you never contemplated when you had
16 your input to these terms and conditions?

17 A. Well, I think with the Coalition I
18 have to clarify our intent there before I can answer
19 that question.

20 Q. Give me your opinion, Dr. Quinney.
21 You've been qualified as a resource management planner?

22 A. Yes. My opinion on what?

23 Q. Would your personal opinion be that
24 this kind of -- providing for a bump-up over that kind
25 of decision would, in fact, be unacceptable and would

1 be frivolous.

2 MR. O'LEARY: That's hypothetical.

3 DR. QUINNEY: I wouldn't want to
4 overgeneralize here. I mean, there might be
5 site-specific situations when they bring in a piece of
6 equipment that they find out that, in fact, this
7 particular situation, so...

8 MR. FREIDIN. Q. Give me an example.
9 Give me an example.

10 MR. STEWART: A. Watershed. Let's say
11 that you do your biological reconnaissance and there's
12 some on-site and predesign analysis that goes ahead
13 prior to harvesting occurring, right, the company has
14 indicated the general five-year areas they're going to
15 operate in, each year they're required to put down a
16 annual work plan, there's modifications made in there
17 that may not be specific to the five-year plan, there
18 could be values --

19 Q. Give me a real -- you're talking
20 generalities. Give me a real live example where the
21 silvicultural ground rule which applies, which approves
22 heavy site preparation --

23 MR. O'LEARY: Can he finish his answer,
24 Mr. Freidin?

25 MR. FREIDIN: Well, no, no he can't,

1 because he's talking generalities and I want --

2 MR. O'LEARY: He's going to do it now.

3 MR. STEWART: Say there's a degree of
4 slope or soil type there that would predispose
5 relatively high problems with erosion or sedimentation
6 in a creek that weren't know about.

7 MR. FREIDIN: Q. All right. And what's
8 the change that you're contemplating in terms of the
9 operations?

10 MR. STEWART: A. Well, we're just saying
11 that if the methods that are being proposed reflect a
12 sensitivity to that, that will be something that is
13 indicated in the work plan, and that's all I'm
14 suggesting.

15 You're saying that we can go in there and
16 do whatever we want. When we get on site, if we've got
17 heavy site prep, no matter what, we want the
18 flexibility to do it, and I don't think that the
19 Coalition's terms and conditions, as I understand them,
20 are approving that process.

21 Q. Okay, I think we've beaten this one
22 to death. Let's go down to 106. By the way, just a
23 matter of -- in techniques, give me an example of the
24 kind of -- you say regeneration techniques here, Dr.
25 Quinney, we've heard about -- are you talking about the

1 techniques such as planting, aerial seeding, natural
2 regeneration, is that what you're talking about in
3 terms of regeneration techniques that you want to see
4 detailed?

5 DR. QUINNEY: A. Yes. Those are
6 examples.

7 Q. Are you suggesting that if you have
8 approval for either aerial seeding or planting in a
9 silvicultural ground rule at the five-year level and
10 the decision is made at the annual work schedule level
11 that you're going to do seeding, that someone should be
12 able to debate at the annual work schedule level: Oh
13 no, no, no, it should be planting, or do we have some
14 finality on this thing at the five-year level? If it
15 would take you some time to...

16 Dr. Quinney, did you not think about this
17 sort of thing when you drafted the terms and
18 conditions?

19 A. Yes, sir.

20 Q. Weren't important enough that you can
21 remember, is that what --

22 A. No, that's not true, Mr. Freidin.

23 Q. Okay. Do you think it's an important
24 consideration in terms of for the Industry, the people
25 who actually have to make these decisions and implement

1 the program, as to whether these things are open for
2 debate and variation at the annual work schedule level?

3 MR. STEWART: A. I can say that I have
4 had discussions with members of the Coalition that have
5 revolved around this particular issue, the flexibility
6 that is required on behalf of Industry and the Ministry
7 when they're out there making some of these decisions
8 in the field.

9 And there is absolutely no intent, as I
10 understand it, that the annual work schedule is to
11 interfere with that, you know. And I think if there's
12 a response through some formal process of undertaking
13 that the Coalition can give to you, I believe that you
14 will be satisfied that there isn't intent in the
15 process design as laid out by the Coalition to do what
16 you fear may happen.

17 Q. All right.

18 MR. FREIDIN: And when Mr. Stewart gives
19 his response like that, Mr. O'Leary, can I assume that
20 the Coalition accepts that that is their position?

21 I mean, I don't want to keep going back
22 to Dr. Quinney and say: Do you accept that, Dr.
23 Quinney because you're from Coalition.

24 And I ask that question because you have
25 taken the position a number of times that experts that

1 have come here are not necessarily giving evidence on
2 behalf of the Coalition but have come here to provide
3 their wisdom to the Board.

4 So I want to get through this
5 cross-examination. So can I accept Mr. Stewart's --

6 MR. O'LEARY: As I understand the
7 evidence, Dr. Quinney has indicated that he would like
8 to consult with other members of the Coalition first
9 and that we will provide you with a detailed completely
10 responsive undertaking in response.

11 MR. FREIDIN: Does that mean that when
12 Mr. Stewart gives me an answer I can't say: Well, gee,
13 I've got the answer, that's the Coalition's, that I may
14 wait when I don't have a witness any more and I'm going
15 to get an answer saying: Oh no, we don't agree with Mr.
16 Stewart, we mean this.

17 I mean, that's the position you're
18 putting me in and I want to know if that's the position
19 I'm in.

20 MR. O'LEARY: This is a panel that's
21 speaking on behalf of the evidence -- speaking to the
22 evidence of the Coalition.

23 MR. FREIDIN: Well, I don't think you've
24 answered my concern but I'll move on anyway. I guess
25 if it contradicts Mr. Stewart's evidence, you'll

1 indicate why.

2 Q. Term and condition 106. This gets
3 again into the power of the local citizens committee
4 and it's sort of -- it's part of my concern, or was one
5 of the reasons I was concerned about the wording in
6 105.

7 Ms. Seaborn asked you whether the 60 per
8 cent rule applied to the annual work schedule level.
9 Remember that questioning, Dr. Quinney?

10 DR. QUINNEY: Yes.

11 Q. It's an undertaking you gave.

12 A. Yes, that's right.

13 Q. Whether the 60 per cent rule applies.
14 Now, I think it's even worse in relation to 106 in the
15 way it's worded, because the way it's worded it says:

16 "Prior to issuing final approval of the
17 annual work schedule...", stopping there,
18 you can't do any operations until you get approval of
19 the annual work schedule; isn't that right?

20 A. As a rule.

21 Q. Isn't it right that you can't get any
22 operations -- you can't implement any operations until
23 you get your annual work schedule approved; isn't that
24 right. Dr. Quinney?

25 A. Yes.

1 Q. Isn't that right?

2 A. Yes.

3 Q. Thank you. Now, prior to doing that:

4 "...the district manager shall ensure

5 that there are...", look at No. (iii):

6 "No unresolved formal objections to the

7 AWS submitted by members of the PAC or

8 the general public."

9 Now, it says no unresolved formal

10 objection, and in No. (ii) it says that the PAC get

11 this annual work schedule and they have to approve it

12 with respect to site-specific prescriptions.

13 Now, you see I read all that and I said

14 what that says to me - and it may be the words don't

15 necessarily reflect the intent that -- your intent -

16 but I read that and it says that this stuff is given to

17 the PAC, no AWS gets issued unless they approve it and

18 if there is any unresolved formal objection to the AWS.

19 Now, that seems to me to be giving a veto

20 power, the way it's written, to the local citizens

21 committee. Now, is that the intent?

22 A. No. The intent I believe is

23 explained through 107, 108 and 109 with the associated

24 rationales.

25 Q. Well, what if the formal objection to

1 the AWS -- let's say the objection is not an amendment,
2 it's not the subject matter that requires an amendment,
3 it's an objection, it's an objection which is filed.
4 It might even be a frivolous objection.

5 The way this is worded it says, that
6 until that's resolved the annual work schedule doesn't
7 get issued. Now, that's the way it reads to me. Is
8 that the way it reads to you?

9 A. Yes, that's how it reads to me.

10 Q. Fine. Now, was that the intent?

11 A. No, I believe that, again, the intent
12 is explained in the following terms and conditions and
13 the rationales.

14 Q. All right. Let me just take a look.

15 MR. FREIDIN: Madam Chair, it's the lunch
16 time. Maybe I could take a look at them over the lunch
17 break.

18 Notwithstanding this is taking longer
19 than I thought, we still will finish this afternoon.

20 MADAM CHAIR: Thank you, Mr. Freidin. We
21 will be back at 1:30.

22 ---Luncheon recess at 12:00 p.m.

23 ---On resuming at 1:30 p.m.

24 MADAM CHAIR: Please be seated.

25 Mr. Freidin.

1 MR. FREIDIN: Q. Dr. Quinney, I want to
2 deal with the issue of amendments and hopefully do so
3 very briefly.

4 If you've still got your terms and
5 conditions open at page 18 where we were dealing with
6 the annual work schedule terms and conditions, you go
7 on and you speak about administrative amendments to
8 term and condition 108, and then if you turn the page,
9 you talk about certain situations where you have a
10 major amendment.

11 And what you've said in term and
12 condition 109, starting in the third line, is that:

13 "A major amendment shall be deemed to
14 occur where...", and then you go on and
15 list a number of situations here.

16 The questions that I want to ask you
17 about is the idea that you have introduced here of
18 certain situations being deemed to be a major amendment
19 as opposed to dealing with it on a case-by-case basis.

20 And the situation, for instance, where
21 you've said -- No. (ii) where it would be deemed to be
22 a major amendment would be:

23 "Where the site-specific prescriptions
24 for a priority site need to be adjusted."

25 I looked at that and your priority site

1 is one where, in fact, you have a value, it's an area
2 of concern created, there is no mandatory prescription
3 so you have to develop one?

4 DR. QUINNEY: A. Right.

5 Q. Or you deviate from the mandatory
6 prescription; right?

7 A. Yes.

8 Q. So I said to myself: Well, the way
9 this is written that means that if you had a modified
10 prescription, you didn't follow the mandatory
11 prescription in an area of concern, and then actually
12 got out there and said: Oh oh, we can't modify this,
13 we've got to go back and do the mandatory prescription
14 or something more stringent than what you had
15 originally specified, you would be into a major
16 amendment process the way this is written; is that
17 right? You would be changing the prescription in a
18 site?

19 A. We are calling for a major amendment
20 if the site-specific prescription has to be adjusted.

21 Q. Right. And I'm saying sometimes you
22 can adjust it, it can become even more stringent, and
23 I'm saying in that situation it would make more sense
24 to me that you'd say it's more stringent than what we
25 actually allowed, we don't really need a major

1 amendment, we can do that under an administrative
2 amendment.

3 And if you agree with me -- I'm just
4 concerned about you having an approach that says, in
5 this situation it's got to be major. I'm concerned
6 about that because when you say it's major, there's a
7 lot of process requirements attached to that.

8 And do you have any, put it this way --
9 comment on this. I think it's unreasonable to have an
10 amendment process where you in advance say these
11 particular situations must be major amendments. Can
12 you comment on that proposition?

13 A. I don't think that that's
14 unreasonable.

15 Q. You think you could --

16 A. What we're asking for is, in 109,
17 there are already major criteria for major amendments
18 and we're simply asking that this be one of the
19 additional criteria.

20 Q. But in the example I gave where you
21 had a priority site that needed to be adjusted, you
22 went into an area and you said: Look it, I don't --
23 initially you said: I'm not going to follow the
24 mandatory prescription because I don't think I have to,
25 it would become a priority site; is that correct?

1 A. Sorry, would you repeat that for me?

2 Q. You've got a heron rookery.

3 A. Yes.

4 Q. Let's say there's a specific
5 prescription that says in this situation you should
6 have a buffer of 120 metres, you go in there and you
7 say: Look it, I don't think we have to do that, I think
8 in that situation 90 is all right, we can provide some
9 modified harvest in the area, it would become a
10 priority site; isn't that right?

11 A. "A value shall be declared a priority
12 site where the value is potentially
13 affected and an appropriate guideline or
14 design manual has not been prepared or
15 approved, or for which the proposed site
16 prescription deviates--"

17 Q. Right.

18 A. "--accepted practice due to
19 site-specific conditions."

20 Q. Right. And the example I'm giving
21 you is where it was originally 120 metres, you deviated
22 because you said 90 metres with modified harvest, so it
23 would be a priority site by definition?

24 A. Yes.

25 Q. Now, if you went out to the site and

1 you wanted to change that and you said conditions are a
2 little different and what I want to do is I want to put
3 a 120-metre no-cut reserve on that.

4 A. Even more stringent.

5 Q. Yes. It would seem unreasonable or,
6 you know, impractical to have to go through a whole
7 major amendment process with the number of public
8 consultation processes which are involved and getting
9 all the soliciting input --

10 A. If the deviation, the solution to the
11 deviation is even more stringent than what the original
12 proposal was.

13 Q. Yeah.

14 A. I agree with you.

15 Q. All right. So whatever we do we
16 don't want to have a term and condition which -- if the
17 result of deeming certain situations to always be a
18 major amendment can result in this sort of impractical
19 situation that we're talking about, we wouldn't want to
20 have a term and condition like that?

21 A. In the example you gave, yes.

22 Q. Okay.

23 A. We would want to avoid that.

24 Q. Okay. Featured species. Exhibit

25 2096.

1 A. What is 2096?

2 Q. That's your analysis. Do you have
3 that?

4 A. I will in a moment.

5 MADAM CHAIR: Excuse me, where are we,
6 Mr. Freidin?

7 MR. FREIDIN: 2096, it was the
8 explanation about how the four species were chosen.

9 DR. QUINNEY: Yes, I have that now.

10 MR. FREIDIN: Q. I think the first
11 question will be the easiest one for you. Table 6.2 it
12 says on the very first page.

13 DR. QUINNEY: A. Yes.

14 Q. And is there any significance to it
15 being 6.2, is that --

16 A. Well, there's a 6.1 in the witness
17 statement.

18 Q. Oh, it's the witness statement.
19 Okay. I told you it would be easy. Let's go to the
20 next page. You have the definition of criteria rates.

21 A. Yes.

22 Q. Who developed the criteria?

23 A. Excuse me. I did with assistance
24 from various people.

25 Q. Were those people OFAH members or

1 would they extend beyond OFAH?

2 A. Extend beyond OFAH.

3 Q. Who was involved in designing the
4 criteria rating to each species?

5 A. The ratings?

6 Q. Yes.

7 A. Okay. Well, again, that was me in
8 conjunction with my staff and others.

9 Q. Were there lots of other people
10 involved or a few?

11 A. Well, I would say a few, but we based
12 these ratings on, for example, discussions with a lot
13 of people we've had over the years.

14 Q. Okay. Can you give me the names of
15 the people who were involved?

16 A. In terms of my staff?

17 Q. No, in doing the ratings. There were
18 only a few.

19 A. In discussing the ratings beyond my
20 staff, Mr. Hanna would be an example.

21 Q. Okay. Anybody else?

22 A. Outside of my staff, in terms of the
23 specifics, Mr. Hanna.

24 Q. All right. And in terms of your
25 staff, who?

1 A. MrEd Reid.

2 Q. Who else?

3 A. That would be it. Ed is our wildlife
4 biologist with us.

5 Q. So those are the people inside
6 andoutside who were involved in developing or assigning
7 the criteria rating to each species?

8 A. Yes.

9 Q. And are those the same people who
10 were involved in developing the criteria themselves?

11 A. Ah, Ed didn't play, that is, Ed Reid
12 did play something of a role in the criteria, but
13 certainly not as large.

14 Q. So the criteria themselves then were
15 developed then primarily by you and Mr. Ed Hanna?

16 A. Yes, that's fair to say.

17 Q. Thank you. Can you turn to page 23,
18 please. Now, on that page you have the evaluation
19 factors, then you talk about alternative weightings in
20 the second sort of -- description of basic alternative
21 weightings.

22 A. Mm-hmm.

23 Q. Can you just describe for me what
24 that means? I mean, I know I asked you questions about
25 ratings and weightings, but that's just jargon to me.

1 A. Yes.

2 Q. What does that mean, and is it
3 possible for you to as well - maybe you could do this
4 at the same time - take us through any particular
5 species, take moose on page 24, and take us through
6 this document and tell us how you got the species 424
7 and the rank 1, all right?

8 A. Yes, I will. No. 1, just as a little
9 reminder, a rate is an exact value that has been
10 assigned to a criterion, and that was earlier on I
11 guess page 2.

12 Then in the weighing, what I've done then
13 in the weightings is, weightings are the importance
14 technically attributed to a criterion, the importance
15 being attributed to a criterion relative to another
16 criterion.

17 Q. So...

18 A. So, let me continue.

19 Q. Yes.

20 A. Now, the goal here is to establish a
21 ranking, and as I point out, for each forest region one
22 generalist featured species plus one specialist
23 featured species was desired to ensure that dah, dah,
24 dah, dah, dah, dah, as a result species in both forest
25 regions were first sorted by their habitat affiliation,

1 that is factor 6, and you'll remember factor 6 was
2 specialist and generalist.

3 Q. Whoa, whoa, whoa. No, no, no, you're
4 going too fast.

5 A. Criterion 6.

6 Q. All right. That's the problem.

7 A. And then each species was then ranked
8 within each sort -- each species was then ranked within
9 each sorted group based on the remaining criterion.

10 Q. Right. Then that particular grouping
11 then based on factor 6 is what led you to have --

12 MR. MARTEL: Can you tell us where the 6
13 figure is?

14 DR. QUINNEY: Yes Back in Table 6.2, No.
15 6, specificity of habitat requirements, you're either a
16 specialist or a generalist.

17 MR. MARTEL: Okay.

18 DR. QUINNEY: And so what I'll do --

19 MR. FREIDIN: Q. And where that shows up
20 then is, if you turn to page 24, for the boreal forest
21 you see right at the top in the second line, boreal
22 forest generalist, so the all the species you have on
23 page 24, 25 fall into that category of generalists, and
24 then if you go on -- continue with boreal forest on
25 page 26, we get into the other category of

1 specialists--

2 A. Right.

3 Q. --on page 26 and 27.

4 A. Right.

5 Q. And you did the same thing for the
6 Great Lakes/St. Lawrence.

7 A. Right.

8 Q. Now, once you've got those groups,
9 what do you do?

10 A. All right. Okay, once you've got
11 those groups, then let's take just as an example
12 alternative 3, we'll do a particular species, emphasis
13 on socio-economic return, then for each of the
14 criterion, 1 to 9, I placed a weight based on emphasis
15 on socio-economic return.

16 1A, again, the interpretation of weights,
17 1 being highest importance, 5 being lowest importance.
18 So I've assigned a weight to each of the criteria.

19 Q. All right. Just so I understand it
20 then, if you take alternative 3--

21 A. Mm-hmm.

22 Q. --and we go across the top of the
23 page, I'm looking at page 23, criterion 1A--

24 A. Yes.

25 Q. --we have to have our finger on page

1 1, right, that's where you have the criterion listed?

2 A. To know what 1A is.

3 Q. Yes.

4 A. Yes.

5 Q. So if you want to read this in
6 relation to factor 1A, which is really criteria 1A, the
7 level of existing knowledge of habitat you're saying
8 that you would give that a weight of 3 if in fact you
9 are, what, trying to attributable the -- now, explain
10 that, what it means?

11 A. What I'm going to end up doing is
12 simply multiplying a rate by a weight to get a range.
13 And here's a weight, so I'm going to multiply that
14 weight 3, okay, by the rating, okay, for 1A for a
15 particular species. So let's say it's marten --

16 Q. Let's use moose, it's the first one
17 right on the very next page so we're not going to move
18 around a lot.

19 A. Okay. Okay. So what I did for
20 moose --

21 Q. Where are you looking?

22 A. Well, I'm still on page 23 because
23 you want to know how I ended up with a rank of 1 for
24 moose. And what I did for each of those categories 1A,
25 1B through 9, where the weights are shown under

1 alternative 3, I multiplied the rate associated with
2 moose in the boreal forest from the earlier tables,
3 that is, you'll recall that there were a series of
4 tables, for example, forest region, boreal; species,
5 there were the factors which were other criterion, and
6 then there were numbers associated with each, and those
7 are the rates.

8 Q. Now, you're going to have to go very
9 slowly here because you start giving these numbers and
10 I get very confused.

11 Could you, using moose as the example,
12 starting with criteria rates No. 1A which is on page 2,
13 all right, tell me what you did with that and what you
14 multiplied -- how you then took the weightings and
15 applied them to the ratings and came up with the
16 numbers that we have on page 24 for moose?

17 A. Okay. On page 4 under 1A moose
18 you'll see the No. 1, that's the rate for moose.

19 Q. All right. That is the rate you
20 assigned to category or criteria 1A?

21 A. For moose.

22 Q. Okay.

23 A. That's 1.

24 Q. Right.

25 A. I'm going to multiply that by the

1 weight in alternative No. 3 under 1A which is 3.

2 Q. Right.

3 A. 3 times 1; the rate times the weight
4 of 1 time 3 is 3.

5 Q. That I can follow.

6 A. And I'm going to do that for each of
7 the categories, and then I'm going to sum them up and
8 that will give me a score, and that score --

9 Q. Well, hold on, hold on. All right,
10 that score is --

11 A. Is shown on page 24.

12 Q. All right. Now, do you take the
13 rates for moose that you have 24 and multiply it by the
14 various weights that you for alternatives 1, 2 and 3?

15 A. Except you do those alternatives
16 separately. They are different scenarios.

17 Q. So you take, for instance,
18 alternative No. 1 on page 23 and you would multiply 1
19 times 1, 2 times 1, 2 times 1, 1 times 1, 3 times 1
20 across the page to come up with a number; is that
21 right?

22 A. Correct.

23 Q. And you would do it again following
24 horizontally across the alternative 2 line?

25 A. Correct.

1 Q. And the same for the alternative 3
2 line?

3 A. Correct.

4 Q. And you come up with a big number, a
5 number?

6 A. Yes, you come up with a score.

7 Q. Now, the score is going to be -- just
8 doing it that way, is going to be certainly more than
9 24. I mean, if you just look at the numbers for
10 alternatives 1, 2 and 3 if you multiply every one of
11 those numbers by 1, you would have a lot bigger number
12 than 24. So how did you come up with 24?

13 A. 24 refers --

14 Q. And I'm not trying to be silly here I
15 just don't understand this.

16 A. 24, species score, is referring to
17 alternative 1 only, okay. You'll see on page 24 there
18 are three categories, weighing alternative 1 which is
19 the cost effectiveness, weighting alternative 2 which
20 is reliability, weighting alternative 3 socio-economic
21 return.

22 Q. Okay.

23 A. Those are the three separate
24 alternatives. So under alternative 1 to get a score of
25 24, to --

1 Q. Oh, I see, I see. It's because on
2 page 24 we've got three boxes here, weighting for
3 alternative 1, weighting for alternative 2.

4 A. Yes.

5 Q. Got it. Okay, thank you.

6 A. And then the total score, the lowest
7 total score is going to establish a range. It's as
8 simple as that.

9 Q. I wish that was the rule of games I
10 play, but...

11 MR. STEWART: A. We could get into
12 those.

13 Q. No. All right. I think that helps
14 me with that. Now, let's deal with -- that's page 23,
15 description of basic alternative weightings, and you've
16 got the weighting being based on three criterion, cost
17 effectiveness, reliability, socio-economic return?

18 DR. QUINNEY: A. As examples. I mean
19 -- yes. I mean, you could come up with different
20 alternatives.

21 Q. No, no. I want to know theoretically
22 are these -- these are the criterion you used to in
23 fact weight the rates to come up with your score and,
24 therefore, your ranking; is that right?

25 A. Yes, that's right. And, again, the

1 purpose of this exercise is, again, even under these
2 different scenarios, even under these different
3 scenarios, the same species keep coming out on top.

4 Q. Yeah, all right. You're telling
5 me --

6 A. In other words, moose and marten in
7 the boreal forest, deer and pileated woodpecker in the
8 St. Lawrence.

9 Q. I'm not so worried about the results
10 as I am about how you came up with the results.

11 Now, you've selected three criteria for
12 the purposes of your weightings and those are the ones
13 you used in this analysis, cost effective, reliability
14 and socio-economic return; is that correct?

15 A. Yes.

16 Q. What do you mean by cost
17 effectiveness, and why did you use that as a basis of
18 assigning weight?

19 A. Well, that goes back to my, I believe
20 it was Panel 6, evidence in terms of the purpose, okay,
21 the ultimate purpose of choosing to select species to
22 feature and there were several. For example --

23 Q. All right. Stopping there. In panel
24 No. 6 do we find a listing of the cost effectiveness a,
25 number of factors under cost effectiveness. If it's

1 there, I don't want to go back and go over that
2 evidence.

3 A. No, Mr. Freidin. What you saw in the
4 witness statement in Panel 6 and in answers to
5 interrogatories, you saw a complete explanation for why
6 we believe it is important to feature species for
7 management and there were several, and that is what I'm
8 referring to.

9 Q. Is cost effectiveness defined
10 anywhere in Panel 6 or in any of the material you
11 provided to us?

12 A. No, I guess it's not.

13 Q. Okay. Is reliability provided or
14 defined for us in Panel 6 or in any of the material
15 that you provided to us?

16 A. No.

17 Q. Is socio-economic return described in
18 Panel 6 or in any of the documentation that you
19 provided to us -- defined for us?

20 A. No.

21 Q. All right. It's pretty hard to
22 figure out or analyse your analysis if we don't know
23 that. Would you agree with that?

24 A. Well, no, I wouldn't. Again --

25 Q. Why not?

1 A. The purpose of the exercise is,
2 again, to show that the species the Coalition has
3 chosen to be featured, chosen them to be featured for
4 several reasons, that they are good choices, good
5 choices for several reasons.

6 Q. But, Dr. Quinney, if the rank is what
7 dictates whether it's the best species or down in the
8 middle or the lowest, is the basis on which you chose
9 the species in question -- and that was the basis; am I
10 correct?

11 A. Mm-hmm.

12 Q. And if in fact the rank is affected
13 by the weights that you ascribe to the various criteria
14 that you've identified here, and that is what happened;
15 is that not correct?

16 A. Yes.

17 Q. Then surely it's important to know
18 what the weightings are, like what it means to say that
19 you weighted based on cost effectiveness, to determine
20 whether in fact you have carried out an analysis that
21 one agreed with or not.

22 Now, would you agree with that?

23 A. If it will assist you --

24 Q. No, no. Can you agree that if I want
25 to carry out an analysis - not me somebody else - to

1 figure out whether they agreed with your ranking, it
2 would be essential for them to know what you meant by
3 cost effectiveness, reliability and socio-economic
4 return, because those are the weighting factors which
5 you use for the purposes of weighing your numbers which
6 ultimately led to your ranking.

7 MR. O'LEARY: Madam Chair --

8 MR. FREIDIN: Well, wait. Now, I want --

9 MR. O'LEARY: Dr. Quinney was about to
10 answer your question and you interrupted him before he
11 even had a chance to get started because you presumed
12 he wasn't going to answer it in the way you wanted him
13 to.

14 MR. FREIDIN: Q. Answer the first
15 question then, Dr. Quinney.

16 DR. QUINNEY: A. What I was going to say
17 was, if it would assist MNR, if I can go away and
18 provide that additional information to you, I mean, I
19 thought it was transparent, but I'll provide --

20 Q. Well, it's transparent in that I
21 looked and saw right through it and didn't see
22 anything.

23 MR. MARTEL: Have you seen such a rating
24 system anywhere else?

25 DR. QUINNEY: I've seen this type of

1 exercise done, but never with reference to, for
2 example, what we're talking about here, featured
3 species, quite right. But in other disciplines --

4 MR. MARTEL: Other places use featured
5 species. How do they arrive at these, by this type of
6 rating system, or just what the needs are?

7 DR. QUINNEY: Well, that's a good
8 question.

9 MR. STEWART: Would you like me to add
10 what I know because we have done this exercise.

11 MR. MARTEL: Yes.

12 MR. STEWART: And the exercise that was
13 done in Saskatchewan was similar in intent but it was
14 done by members of the Ministry, by members of the
15 Canadian Wildlife Service, by people from the U.S. Fish
16 and Wildlife Service and by the steering committee and
17 technical committee people who contribute to the
18 Saskatchewan Forest Habitat Project, and we developed a
19 similar type of a system, but I think we put a little
20 bit more emphasis on what we viewed needs to be and
21 came up with a short list of 10 species.

22 And we had done an exercise and I have it
23 here with me that was tying those species to habitats
24 and what other features we used, vegetation
25 association, stand age, but we also had information on

1 the population status, trapping value, subsistence
2 value, hunting value, aesthetic value, information
3 value, et cetera, all the information that was
4 available for those, we came down to a process where we
5 essentially voted as professionals on what species
6 would be the ones most suitable to reach the objectives
7 in Saskatchewan. Moose and pileated woodpecker fell
8 out of that list.

9 And in a value rating system red
10 squirrels came above pileated woodpeckers, but because
11 of the group of people that were participating in the
12 selection there was a strong interest among the
13 professionals to have pileated woodpecker instead of
14 red squirrels. Now, those types of things happen.

15 MR. MARTEL: But you had --

16 MR. FREIDIN: Mr. Martel --

17 MR. MARTEL: Go ahead.

18 MR. FREIDIN: I'm not going through this
19 to question -- at least my purpose at the moment is not
20 to question using this approach, what I'm trying to do
21 is, I'm saying let's assume for the moment that this
22 approach is a valid one, I just want to understand what
23 it means.

24 And you've agreed that the weightings,
25 the factors that you used for weightings can influence

1 the ultimate number or ranking, and I want you to tell
2 me - and I would be surprised if you can't tell me
3 right now, Dr. Quinney - what cost effectiveness means
4 in the context of developing these weightings?

5 DR. QUINNEY: A. Well, what I would want
6 to do, Mr. Freidin, is review again the ultimate
7 purpose why we are choosing these featured species.

8 In order to give you the best answer to
9 that question, I want to review those reasons, because
10 there were several, and put that to paper. It would be
11 a mistake for me to try and do that now. It's been
12 some time since I read the Panel 6 witness statement.

13 Q. What do you mean by socio-economic
14 return. Can't tell me?

15 A. Yeah, sure.

16 Q. Emphasis on socio-economic return,
17 what does that mean?

18 A. It means emphasis on return to the
19 public, the socio-economic value return received by
20 choosing those species to feature.

21 Q. And what were the criteria you used
22 to judge value, or pardon me, return?

23 A. For example, consumptive value.

24 Q. Anything else other than consumptive
25 value?

1 A. Well, I would have to go back and
2 check.

3 Q. Come on, Dr. Quinney.

4 A. I'm not trying to --

5 Q. All right. Are you telling me -- all
6 right. Did you consider any non-use values when you
7 determined socio-economic return, or did you just look
8 at the amount of money that gets spent on consumptive
9 use such as hunting?

10 A. No, no. It clearly -- for example,
11 viewing, which could be considered a non-use value,
12 viewing I consider to be part of socio-economic return,
13 yes. It didn't have to be just consumptive value.

14 Q. Is there any more information you can
15 give me that would help me in understanding this
16 without going back and --

17 A. I don't believe so.

18 Q. Were the ratings subjective?

19 A. I believe here I was using my
20 professional judgment as a biologist, and I believe
21 that these results are replicable; in other words, if
22 they were given to another biologist, these ratings,
23 they would come out with the same results.

24 Q. Does that mean the answer to the
25 question was, yes, that they are subjective, or does it

1 mean that the answer is, no, they're not subjective?

2 A. That the rates...

3 Q. Are the ratings subjective. Now, you
4 said somebody else could do the exercise and come out
5 with the same thing.

6 A. I don't believe so. I believe they
7 are objective.

8 Q. Objective, thank you. Are they a
9 matter of interpretation?

10 A. I don't think so because, as I said,
11 if you provided this to another biologist I believe
12 they would come up with the same conclusion.

13 Q. I understood that one of the things
14 that you relied on was the review of existing
15 literature.

16 A. Yes.

17 Q. Are you telling me that it doesn't
18 matter what biologist you gave all that same literature
19 to, they would come up with the same opinion as you; is
20 that what you're saying?

21 A. In terms of these rates that you see
22 on page 2, using those rates to develop the tables
23 starting on page 4, yes, I do. That, again, it's
24 replicable. If you gave it to somebody else they would
25 come up with the same results.

1 Q. Well, you're confident that every
2 biologist in the province if they were given the same
3 literature to review and read it they would give the
4 same ratings to each of the criteria that you've set
5 out pages 2 and 3. That's what you're telling me.

6 A. Largely, yes.

7 Q. Largely, yes.

8 A. They're not going to come up with
9 completely different results.

10 Q. So it's subjective then, it's not
11 objective, it's subjective. Your view is your,
12 unscientific opinion, you didn't conduct a poll; is
13 that you believe that most biologists would come up
14 with the same ratings but some would come up with
15 different ones?

16 MR. O'LEARY: Are you admitting that our
17 polls were scientific in Panel 2?

18 DR. QUINNEY: Mr. Freidin, if they used
19 the literature that I did they would come to the same
20 conclusions.

21 Now, obviously an individual biologist
22 might -- with additional information might come up with
23 slightly different results under a certain category,
24 but essentially, no.

25 MR. FREIDIN: Q. What if they weren't as

1 smart as you, Dr. Quinney, they might come up with a
2 different opinion. Isn't that true; they may interpret
3 the literature differently, come up with a different
4 interpretation.

5 DR. QUINNEY: A. I don't think so.

6 Q. And if they were smarter than you
7 they might come up with a different interpretation. It
8 doesn't make -- never mind.

9 Do you think that some biologists might
10 argue that the habitat knowledge of songbirds is higher
11 than for marten?

12 A. Would you repeat that? Did you say
13 some songbirds, a songbird?

14 Q. No. Would you agree that some
15 biologists might argue that the habitat knowledge for
16 songbirds is higher than that for marten?

17 A. Madam Chair, Mr. Martel, there are --
18 in the area of the undertaking there might be a hundred
19 species of, a hundred species of songbirds. So he's
20 asking me, would some biologists say we know more about
21 the habitat requirements of all these 100 compared to
22 the habitat requirements of marten, and I don't believe
23 they would.

24 Now, there might be a particular
25 songbird, for example, something very well studied like

1 a white throated sparrow, where our knowledge of
2 habitat requirements might be on the same level as that
3 of marten, but I wouldn't say that the whole songbird
4 family.

5 Q. Okay. Would some argue that habitat
6 knowledge for snow-shoed hares is higher than for
7 marten or moose?

8 A. That would be a site-specific call.
9 Again, this weighting or rating system is based on
10 choosing species to be featured over the entire area of
11 the undertaking.

12 But there's no doubt that there would be
13 specific locations across this country where a
14 biologist, for example, in Saskatchewan at a particular
15 location in Melville may know the habitat requirements
16 of snow-shoed hares better there than marten in that
17 particular location. That's a site-specific call.

18 Q. And the last question of this nature,
19 do you think some biologists might believe that ruffed
20 grouse and spruce grouse are strongly as apposed to
21 weakly dependent on forest structure?

22 A. There may be.

23 Q. If they had differences on those --

24 A. Did you say --

25 Q. Two biologists differed on the items

1 that I'm referring to, they might come up with
2 different ratings on those particular subject matters;
3 right?

4 A. Yes.

5 Q. Thank you. In what way is ecological
6 importance reflected in your ranking criteria?

7 A. I'm not sure I understand your
8 question because the purpose of this exercise -- one of
9 the purposes of this exercise is to choose ecologically
10 important species to feature with regard to forest
11 structure in the two major forests in this province.

12 Q. Dr. Quinney, term and condition 121,
13 your term and condition 121. We're talking about
14 effects monitoring for localized impacts.

15 A. Mm-hmm.

16 Q. And my concern about this term and
17 condition is the use of the word approval in the last
18 line again. It says in the last sentence:

19 "The selection of representative sites
20 shall be circulated to the PAC for their
21 comment and approval prior to
22 implementation."

23 When you use approval, are you using that
24 for their input and advise or do you really mean
25 approval in the sense that you need agreement by the

1 PAC or the local citizens committee to those sites
2 before you can actually implement the monitoring
3 program?

4 A. Agreement.

5 Q. You mean agreement?

6 A. Yes.

7 Q. What expertise does the local
8 citizens committee have to make or be the ultimate
9 decision-maker in effect on a scientific matter such as
10 where in fact you might go and sample on a
11 representative basis?

12 A. I don't believe anywhere in our terms
13 and conditions have we ever said that the PAC will be
14 the ultimate decision-maker of anything.

15 What we have said is that if, for
16 example, 60 per cent don't agree on some aspect, then
17 there should be some kind of third party hearing.
18 That's what we're asking for.

19 Q. Even on a -- well, first of all,
20 would you agree that the decision as to which sites
21 would be representative in relation to any particular
22 cause/effect relationship is a technical matter?

23 A. Yes.

24 Q. Do you think that it's reasonable to
25 have a process where a group of lay people can, in

1 fact, get involved in that kind of decision and run up
2 a series of in-house appeals and bump-up on that kind
3 of technical issue?

4 A. I think people are reasonable.

5 Q. People are reasonable, but people
6 also have limited knowledge of certain things. And
7 getting back to my sort of general concept that
8 somewhere along the way in any public planning process
9 you have got to say: Stop, we have got the public
10 input, we have heard you, we will explain how we took
11 into account what you said, but you don't have
12 approval, I mean, we will make the decision and, I
13 don't know, maybe I don't understand this.

14 A. I would still say that our term and
15 condition No. 79, which as I've said is being revised,
16 has never said the PAC will have ultimate
17 decision-making authority over anything.

18 MADAM CHAIR: Dr. Quinney, on the matter
19 of monitoring sites, I was a little surprised to hear
20 you say that the selection of such sites only have
21 scientific reasoning behind them.

22 I would think that there would be certain
23 sites that the local citizens committee would ideally
24 be in a position to suggest that they be monitored,
25 contentious sites for which the public has some very

1 strong feeling that something has got to be done in
2 that location, and set aside the science of it, you
3 know, it wouldn't always be a scientific exercise.

4 DR. QUINNEY: I agree with you, Madam
5 Chair, and I apologize. I am obviously tired, and I
6 agree with your statement, you're right.

7 MR. FREIDIN: Q. My question was
8 directed to representative sites, representative in the
9 sites in the sense of determining cause/effect
10 relationships. I wasn't talking about a particular hot
11 issue or a particularly sensitive -- one particular
12 sensitive site, I'm talking about this idea of
13 representative sites, and I...

14 MR. MARTEL: Mr. Freidin, can I ask a
15 question.

16 Dr. Quinney, in how many ways does 79
17 kick in? In how many other terms and conditions do you
18 have that, in fact, 79 can kick in and call a halt to
19 everything until an agreement is reached?

20 I mean, Mr. Freidin's pointing them out.
21 If one looks at 79 in isolation that's one thing, but
22 if one were to total them all up, how many places and
23 in how many ways could 79 halt the whole process for a
24 while or send something to an EA or some form of third
25 party arbitration? Have you done that analysis?

1 It isn't just 79, when you look at it in
2 isolation. Just being one after another are being
3 picked up here as to where 79 can kick in, and I would
4 certainly like to know all of them, not five or six,
5 but every one that 79 can kick in somehow.

6 MR. O'LEARY: Can we respond to that?

7 MR. MARTEL: Sure. I'm certainly waiting
8 for an answer.

9 MR. O'LEARY: I don't know if I can
10 respond to all of your questions.

11 MR. MARTEL: There's really only one.

12 MR. O'LEARY: I beg your pardon.

13 MR. MARTEL: There's really only one
14 question.

15 MR. O'LEARY: Well, you would like us to
16 identify where 79 will, when it's ultimately amended,
17 have some impact.

18 MR. MARTEL: Yes.

19 MR. O'LEARY: And I take you, Mr. Martel,
20 to 79 because the intent of it will remain the same,
21 and it says:

22 "Where a majority of the PAC members do
23 not approve either the proposed timber
24 management plan or a proposed major
25 amendment...", those are the

1 circumstances in which a referral will be made.

2 MR. MARTEL: But wait just a second. If
3 we look at 121, and I think Mr. Freidin asked the
4 question:

5 "The selection of representative sites
6 shall be circulated to the PAC for their
7 comments and approval...", and Mr.
8 Freidin asked if approval meant that they had to get
9 the 60 per cent before --

10 MR. FREIDIN: I said whether you need
11 agreement.

12 MR. MARTEL: Yes.

13 MADAM CHAIR: He said agreement.

14 MR. MARTEL: And Dr. Quinney said you had
15 to have agreement, but if you don't have agreement and
16 60 per cent said no, then that 79 could kick in, I
17 think, if I understand what Dr. Quinney was saying.
18 And I think I need clarification on that.

19 MR. O'LEARY: I may be able to help
20 because we have referred, as of yesterday, to the
21 internal review mechanisms. I thought that was of some
22 assistance.

23 And the position is that the 60 per cent
24 bump-up applies only in those situations which are
25 identified in Section 79.

1 121, you're looking for a comment and
2 approval and, short of that approval, then you've got
3 what I've been calling the internal review mechanism.

4 Your other point, Mr. Freidin, was in
5 respect of the annual work schedule, and as I read 109
6 it says, in the alternative, and that's:

7 "In the alternative to an acceptable
8 solution to a formal objection, the
9 planning team in consultation...", it
10 doesn't say that they have to have the approval of the
11 PAC:

12 "The planning team in consultation with
13 the PAC shall propose a solution...."

14 Well, if the planning team said as 106 --
15 sorry 107(ii) says, that the objection was foreseen and
16 decided upon during the five-year plan, they could then
17 say that there's no need for a change and it could
18 proceed.

19 So I don't see it coming back to 79 in
20 that situation either.

21 MR. FREIDIN: All right. Let me respond
22 to that, Mr. Martel. Let me see if I can straighten
23 this out with a few questions.

24 Q. Do you agree that the purpose of
25 your -- your bump-up clause says that when the timber

1 management plan or a major amendment sort of is in
2 dispute you can have a bump-up; right, 79?

3 "If 60 per cent of the PAC do not approve
4 either the proposed timber management
5 plan or a proposed major amendment, the
6 entire timber management plan or that
7 portion in dispute will be immediately
8 and automatically dealt with in that
9 fashion."

10 That's what it says; right? Right?

11 DR. QUINNEY: A. That's what it says
12 right now.

13 Q. Okay, good, that's what it says.

14 MR. O'LEARY: You're misinterpreting it.

15 MR. FREIDIN: Let me ask the questions,
16 please.

17 Q. Is it not part of your proposed
18 timber management planning process that you have to
19 identify and select monitoring sites, that's part of
20 what you require in a plan?

21 DR. QUINNEY: A. Yes.

22 Q. Right. And, therefore, somebody
23 might say: I don't like the representative sites that
24 you've got, that's part of your plan, and under 79 if
25 you get a 60 per cent majority now you can in fact,

1 that's a portion of the plan that's in dispute and it
2 goes through this route?

3 MR. O'LEARY: The working is clear.

4 MR. FREIDIN: Well, that's what it says.

5 MR. O'LEARY: That's not what it says.

6 MR. FREIDIN: Well, Dr. Quinney -- I
7 don't want your evidence, thank you.

8 Q. Is that the intent or not?

9 DR. QUINNEY: A. Well, I'm trying to
10 assist the Board this week in saying, as I did earlier
11 this week, that term and condition 79 is in counsel's
12 hands.

13 MR. MARTEL: Well, can you give us some
14 assurance that in the very near future a response to
15 what I've raised can be provided so that -- I mean, we
16 really have to know if that thing kicks in in a number
17 of areas and, quite frankly, my legal staff doesn't
18 have time to run through all of these, so I have to
19 rely on somebody's assurance that 79 means what 79 says
20 and it doesn't affect 106 or 121 or 102 and 109.

21 I just want clarification from you, if I
22 could.

23 MR. O'LEARY: I'm pleased to assist you
24 in that regard, Mr. Martel and Madam Chair, and
25 hopefully we can do it the same time that we file the

1 amendment to this and try and come up with a complete
2 list.

3 And I hope that also will satisfy some of
4 your concern, Mr. Freidin.

5 MR. MARTEL: Sure.

6 MR. FREIDIN: Well, I will wait and see
7 what you produce. I think we're going to be having to
8 interpret your words maybe.

9 Q. Okay, let's move on. I'm almost
10 finished asking you questions, Dr. Quinney, you'll be
11 happy to know that. Back in Panel 6--

12 DR. QUINNEY: A. Mm-hmm.

13 Q. --you talked about the 10 per cent
14 rule?

15 A. Yes, I did.

16 Q. And you talked about the public would
17 choose the rotation age and the oldest seral stage. Do
18 you remember that?

19 A. I never said that. I said that the
20 decision on rotation age would be made on an FMU by FMU
21 basis with the input from the public.

22 Q. I need some interrogatories to
23 continue this. I'll have to come back to this after
24 the break.

25 Priority sites. When you talk about a

1 mandatory prescription, Dr. Quinney, when you're
2 talking about priority sites, if you want to just turn
3 to term and condition 19, that's where you find all
4 that discussion.

5 Where you have priority sites defined in
6 term and condition 22, which is on page 5 of your terms
7 and conditions--

8 A. Mm-hmm.

9 Q. --the kind of prescription or
10 direction, guidance, whatever you want to call it, you
11 find in the fish habitat guidelines, it says in this
12 situation 90 metres or 60 metres, does that qualify as
13 a mandatory prescription in your definition?

14 A. I believe that would be an example.

15 Q. Okay. And, as I understand it, what
16 you're saying now is, in terms of the documentation
17 that's required when you're doing area of concern
18 planning - if you've got one of those situations, say
19 it's a fish habitat situation and you say, in this
20 situation, they recommend 90, they put 90 in - in that
21 situation, as I understand your terms and conditions,
22 you wouldn't have to provide an environmental analysis
23 and a rationale and everything, you just say: I
24 followed the guidelines because I found a situation
25 which was specifically described in the guidelines; is

1 that right?

2 A. Yes.

3 Q. So...

4 A. Yes, that's in the rationale for 21.

5 Q. That's the rationale for 21. Okay.

6 That's a value potentially affected by the timber
7 management activities in the five-year term. A
8 specific prescription for each site shall be prepared
9 using the appropriate design manual.

10 So, were you here when Mr. Krowchuk or
11 Dr. Krowchuk, I can't remember, in Panel 5 gave his
12 evidence on watersheds and fish matters?

13 A. No.

14 Q. All right. There was a particular --
15 he was given a very particular area of concern sort of
16 dealt with that in the Red Lake plan, and he said he
17 wouldn't have a job if he did an environmental analysis
18 like that.

19 What I'm saying is, in a case where, in
20 fact, the prescription was one which basically came out
21 of a mandatory kind of prescription, you wouldn't have
22 to see one; in other words, it would be unreasonable
23 for Mr. Krowchuk to say that if what he had in front of
24 him was a prescription where they just assigned a
25 90-metre reserve based on the fish habitat guidelines?

1 A. Sorry, I'm lost.

2 Q. All right. It's a matter of argument
3 anyway. It would be unreasonable to expect to see an
4 environmental analysis in that situation where, in
5 fact, you were just applying a mandatory prescription--

6 A. Yes.

7 Q. --which were set out in a guideline
8 or a manual?

9 A. Correct.

10 Q. Okay. In relation to the fish
11 habitat guidelines, could you turn to term and
12 condition 177. Now, let me just confirm one thing with
13 you, Dr. Quinney, before I ask you a question on these.

14 Am I right that monitoring is an
15 essential ingredient of what you've described as the
16 adaptive management approach?

17 A. Mm-hmm, yes.

18 Q. And you've described that -- and
19 you've emphasized local, what you call local effects
20 monitoring?

21 A. Yes.

22 Q. Term and condition 178 talks about
23 modification to the guidelines. I looked at the
24 rationale. Look at the rationale, it says:

25 "The OFAH is not proposing at this time

1 that the adaptive management approach be
2 applied to timber management/fish
3 habitat interactions."

4 A. Yes.

5 Q. "However, in the case of cumulative
6 watershed impacts an adaptive management
7 approach is warranted."

8 Now, what is the practical significance
9 of the first sentence?

10 MR. O'LEARY: Well, I can tell you what
11 the practical --

12 MR. FREIDIN: Whoa, whoa, whoa. Let me
13 ask the witness --

14 MR. O'LEARY: It was intended to be
15 amended.

16 MR. FREIDIN: Oh, it's going to be
17 amended?

18 MR. O'LEARY: Yes.

19 MR. FREIDIN: Don't you tell me how it's
20 going to be amended. I want the witness' answers about
21 these, not Mr. O'Leary's.

22 MADAM CHAIR: Let's listen to what the
23 witness has to say, Mr. Freidin.

24 MR. FREIDIN: Is it going to be changed?

25 DR. QUINNEY: What's the question?

1 MR. FREIDIN: Q. What's the practical
2 significance of saying that there will be no adaptive
3 management approach in relation to timber management/
4 fish habitat interactions, and if it's going to be
5 amended, if you have knowledge that it's going to be
6 amended, then you can work that into your answer

7 DR. QUINNEY: A. Well, the rationale for
8 178 does say when these draft terms and conditions were
9 produced, it's not proposing at this time that the
10 adaptive management approach being applied to timber
11 management/fish habitat interactions.

12 MADAM CHAIR: Excuse me, Dr. Quinney.
13 Wasn't that also the position taken by Dean
14 Baskerville?

15 DR. QUINNEY: I would be surprised if
16 that was the case. And what we're thinking of here is
17 that in terms of a revision that, in fact, the time may
18 very well have come that we can practice adaptive
19 management with reference to timber management/fish
20 habitat interactions, that since this term and
21 condition was written we now think we may be in a
22 position to move more quickly in that direction.

23 Part of the reason -- well, yeah, yeah.

24 MR. FREIDIN: Q. What was it that caused
25 you -- well, was this a recent decision that now you

1 feel that this approach can be applied to timber
2 management/fish habitat interactions. Is that a fairly
3 view of the Coalition?

4 DR. QUINNEY: A. Well, several months,
5 several months --

6 Q. Several months. Can you tell me what
7 it was that led you to the initial position set out
8 here and what caused you to change your mind?

9 A. Well, yes, that basically it was my
10 understanding that unlike certain other guidelines that
11 MNR has, that the fish habitat guidelines were
12 mandatory and, therefore, we thought: Okay, well, the
13 level of protection, because they're mandatory
14 guidelines for now, would suffice.

15 And it took us some time in discussing
16 with the various people whether, okay, is that
17 sufficient for now. Let's concentrate -- because we
18 don't have any - how shall I say - comparable level of
19 protection on the terrestrial side, let's concentrate
20 on adaptive management and habitat supply analysis on
21 the terrestrial side.

22 The mandatory fish habitat guidelines
23 should be okay, but in speaking to, like, a lot of
24 experts that maybe the time has come to move to
25 adaptive management on the aquatic side as well.

1 Q. All right. The guidelines haven't
2 changed signed you had that initial discussion. What
3 is it that -- the time has come, but why, why -- the
4 guidelines have not been changed. Why--

5 A. Well, ideally--

6 Q. --now is now the time. What caused
7 it to be become the time?

8 A. I mine ideally we wanted to move to
9 an AM, adaptive management approach on the aquatic side
10 anyway, it was just a question of when.

11 Q. All right. But what were the sorts
12 of things -- why is it more advisable or more practical
13 to do it now than it was when you first defined these
14 terms and conditions.

15 A. Well, from my own --

16 Q. Do people have more time, more money,
17 what is it?

18 A. Well, from my own perspective it's my
19 understanding that, for example, the predictive tools,
20 there are a lot of predictive tools out there already
21 now in other jurisdictions where Ontario can use that
22 experience, use those predictive tools and forecasting
23 methods on this side of the equation now as well.

24 Q. The tools though we heard about were
25 things like RENS which were watershed level impacts.

1 A. That's one example.

2 Q. What are the tools that have come
3 along in relation to being applied to timber
4 management/fish habitat interactions? I mean, What are
5 those as distinct from...

6 A. I can't give you a specific example,
7 except if memory serves me, for example, when Dr.
8 Thomas was here he spoke of this type of tool with
9 reference to fish resources out in Oregon that are
10 available now.

11 Q. But that was in relation to watershed
12 level impacts; wasn't it? My recollection.

13 A. I would have to check the
14 transcripts.

15 Q. So let's just boil this down to where
16 we are. The Coalition designed these terms and
17 conditions and felt that the adaptive management
18 approach was not necessary to apply that to timber
19 management/fish habitat interactions for the reasons
20 you gave?

21 A. At the time.

22 Q. At that time. And that based on
23 information and discussions with some experts you think
24 now is the time to do that; is that right?

25 A. That's why we are considering a

1 revision to 178.

2 Q. Right. And you can't tell me or
3 direct me specifically to what has changed and would
4 justify or really explain the basis for the change in
5 position other than to say, we have spoken to some
6 people and they think it's the time?

7 A. Yes, that's the best I can do right
8 now.

9 Q. Okay, thank you. Term and
10 condition -- sorry, not terms and conditions,
11 interrogatories, please, Forests for Tomorrow.

12 MR. FREIDIN: And again, Madam Chair, I
13 apologize, I don't have -- mine have the same page
14 numbers. It's Forests for Tomorrow 5(b).

15 DR. QUINNEY: Sorry, 5...?

16 MR. FREIDIN: Q. 5(b) as in Bob (iii)?

17 DR. QUINNEY: A. 5(b)?

18 Q. Yes.

19 MADAM CHAIR: That's page 13, Mr.
20 Freidin.

21 MR. FREIDIN: Thank you.

22 MADAM CHAIR: In Exhibit 2129.

23 MR. FREIDIN: Q. Now, I believe I fairly
24 characterized what has happened here in 5(b) is that
25 you are speaking about the Panel 6 evidence where you

1 were talking about the four featured species in
2 conjunction with your 10 per cent rule being your
3 approach dealing with the biodiversity issue, and --

4 DR. QUINNEY: A. That's not a fair
5 summary of the comprehensive approach that was being
6 put forward in Panel 6. It wasn't just featured
7 species, it wasn't just biodiversity, there were other
8 significant species as well, including locally
9 significant, rare, threatened and endangered.

10 Q. Okay. With that qualification, you
11 went down in (iii) here and you say:

12 "As a result of applying that approach,
13 the landscape pattern of forest stands
14 will comprise a variety of patch
15 sizes and --"

16 A. Excuse me, could you show me where
17 you are.

18 Q. 5(b).

19 MADAM CHAIR: It's on page 14, Dr.
20 Quinney, response to 5.

21 MR. FREIDIN: Q. And Roman numeral
22 (iii).

23 DR. QUINNEY: A. Yes.

24 Q. It's prefaced by reference to Panel
25 6, and then you say, just before the indented part,

1 however, some generic observations relevant to the
2 Board's decision and your interrogatories can be made.
3 Then you say in (iii):

4 "The landscape pattern of forest stands
5 will comprise a variety of patch
6 sizes and configurations designed to meet
7 various needs and that will reasonably
8 reflect the natural patterns inherent in
9 the landscape."

10 And could just describe for me what you
11 mean by the natural patterns in terms of patch size and
12 configuration?

13 A. In terms of patch size and
14 configuration?

15 Q. Right.

16 A. Sure. Those natural patterns would
17 include, for example, the influence of fire, insects on
18 the landscape, they would reflect -- natural patterns
19 would also include the physiographic characteristics of
20 those sites as well, for example, you know, moisture,
21 nutrients, et cetera.

22 Q. All right. This is ringing a bell
23 with me from your Panel 6 evidence then.

24 MR. FREIDIN: Madam Chair, this might be
25 convenient time for a break. I wanted to deal with one

1 more question on biodiversity, and then I'm on to one
2 of the other witnesses.

3 And we're going to have to go like
4 gangbusters somehow to finish by four, we'll finish
5 today, I may have to ask for a bit of an extension.
6 It's going much more slowly than I thought.

7 MR. MARTEL: The plane leaves at 5:15.

8 MR. FREIDIN: Pardon me?

9 MR. MARTEL: The plane leaves at 5:30.

10 MR. FREIDIN: Oh, well --

11 MR. MARTEL: I just thought I would
12 remind you.

13 MR. FREIDIN: Maybe we could take a short
14 break.

15 MADAM CHAIR: Yes. Let's take a
16 10-minute break.

17 MR. O'LEARY: Don't forget about me, I
18 would like to have a fair opportunity for
19 re-examination.

20 ---Recess at 2:40 p.m.

21 ---On resuming at 2:50 p.m.

22 MADAM CHAIR: Please be seated.

23 MR. FREIDIN: Q. Mr. Stewart, could you
24 turn to the terms and conditions, Exhibit 1637, page 6,
25 Arabics.

1 Now, that is where we find the discussion
2 in relation to access roads. And in your
3 evidence-in-chief, or maybe it was in
4 cross-examination, you were talking about access roads
5 sort of in a rotation.

6 MR. STEWART: A. I'm sorry, you said
7 Arabic 6.

8 Q. Yes.

9 MR. DICKSON: A. Page 6.

10 Q. It's access roads, term and condition
11 24 and thereafter.

12 MR. STEWART: A. Oh, numeral six. Okay,
13 I'm there.

14 Q. When you were talking about the road
15 system and, you know, projected it sort of through the
16 rotation you were saying that it would be much less
17 sort of detailed going into 40 to 50 years than it
18 would be obviously for the five years; is that correct?

19 A. Mm-hmm.

20 Q. And I got the impression that when
21 you were, you know, looking that far into the future
22 you would -- can you just sort of tell me.

23 I get the impression that you would be
24 showing just the general location of sort of the areas,
25 not even the location, so much as the areas which would

1 be accessed in 30, 40 and 50 years.

2 A. Yes. We suggested there would be
3 sort of a zone network that would be --

4 Q. All right. When you say a zone
5 network, what does that mean in terms of actually
6 showing a specific location. Do you mean it's showing
7 a specific location where the road would go from zone
8 to zone, or basically saying here's a zone where we
9 will be in in 30 years and here's where we will be in
10 40 years? I'm just trying to get a sense of the --?

11 A. Zones where the wood supply would be
12 there in the future, 40 years, 60 years, 80 years,
13 based on a supply modeling.

14 Q. Right. And then you say to people
15 obviously if we are going to be there, we're going to
16 have to put a road somewhere in there.

17 A. We're suggesting that those are areas
18 that there's likely to be roads in.

19 Q. Right. And that's sort of the level
20 of -- that's sort of detail that you feel is sufficient
21 for the public to have in relation to that kind of a
22 projection that far into the future?

23 A. Mm-hmm.

24 Q. That was my understanding of what you
25 said as well, and it was for that reason that I would

1 like to direct your attention to term and condition 29,
2 and it says that:

3 "The evaluation of alternative
4 long-range...", and long range is defined
5 in these terms and conditions basically as rotation, so
6 it says:

7 "The evaluation of alternative long-range
8 access configurations shall follow the
9 same basic procedure as described for 20
10 and five-year access plans...", which we
11 find down -- all right, pardon me:

12 "...with the level of analysis
13 commensurate with the level of detail of
14 the plan."

15 Now, what just told me is captured in
16 terms of, you say that the level of analysis
17 commensurate with the level of detail. But if we just
18 take the words as they are written, and it says that
19 you have to evaluate the alternative long-range access
20 configuration to follow the same basic procedure
21 prescribed for 20 and five-year access plans.

22 If we go down to 30, we basically see how
23 primary and secondary access roads shall be planned for
24 five and 20, and it requires you to do a number of
25 things such as use management strategies and

1 quantitative assessments.

2 And I'm going to sort of hone in on
3 (iii):

4 "A quantitative assessment of the net
5 socio-economic benefits expected to be
6 realized locally, regionally and
7 provincially over the long range...", if
8 29 means what it says:

9 "...for each use management strategy
10 considered for each alternative",
11 obviously over the long range.

12 Now, I mean, I've been sort of dubbed a
13 word smith sometimes, but in this context I think it's
14 important to do so from time to time.

15 Do you agree with me that if you read 29
16 in conjunction with 30, the way it's written, the level
17 of detail with which long-range roads have to be
18 planned and described, is much more detailed and
19 onerous than the general description that you gave me
20 earlier and which you said you felt was reasonable.
21 It's just a matter of just what the words mean to you.
22 That's how they read to me.

23 A. I would refer you to the rationale
24 for 29, and --

25 Q. All right. Okay, let's go to the

1 rationale.

2 A. And obviously we're saying, clearly,
3 however, the detail and precision of the plans will be
4 less than that for shorter time frame plans.

5 Q. Okay, but -- all right. Okay. Now,
6 if you didn't have the rationale, the rationale then --
7 notwithstanding that's the rationale, the way 29 and 30
8 read together, it tells you the degree of
9 specificity -- well, first of all, it says you have to
10 have alternate long-range access configurations.

11 You told me that you don't even have to
12 show an access configuration, you just show zones where
13 you say we'll be up there harvesting and there'll be a
14 road in there, obviously, when we get up there to
15 harvest.

16 Now, that level of detail is certainly
17 much less onerous and much less detailed than having to
18 show alternative long-range access configurations?

19 A. If I tried to draw this out visually
20 and we're using the types of tools that we've talked
21 about in terms of wood supply models, habitat supply
22 analysis, the level of analysis that is going on right
23 now with respect to wood supply and timber management
24 plans would allow us to have a very broad visual
25 presentation of where the likelihood that wood supplies

1 will be in 40 years or 50 years. That is a very
2 straightforward process and we can display those
3 graphically.

4 Q. That would be what would sort of help
5 you with your zones; right?

6 A. And we know where our roads exist
7 right now with respect to those areas, and we know
8 where our mills are located, and if we can demonstrate
9 through the wood supply modeling and habitat supply
10 analysis and these types of analysis where these
11 resource benefits are going to be in 30 or 40 years, we
12 could demonstrate very broad corridors into those
13 zones.

14 Q. But you told me earlier that it would
15 be unnecessary to do so, it would be reasonable if you
16 just indicated where you were going to harvest and that
17 it was not necessary to show the actual location of the
18 road on the ground. Now, that's what you said earlier.

19 You know, I don't want you to feel that
20 you have to -- you know, you've come from Saskatchewan
21 as an independent expert. I don't think you should
22 feel that you have to defend the specific perhaps
23 additional requirements that the Federation are putting
24 forward.

25 Are you now changing your view as to what

1 the criteria are?

2 A. Would it be fair to let Mr. Quinney
3 answer that question?

4 Q. Well, are you in any way changing
5 your comment to me earlier, that showing zones without
6 showing that actual road on the ground is a reasonable
7 level of detail to provide to the public. That was
8 what your earlier evidence was. Is that still your
9 evidence?

10 Hold on. I don't think I want you to
11 talk to Mr. Quinney about it, I want your personal
12 views as an expert from outside of the jurisdiction. I
13 don't want you to look at it and be influenced by a
14 specific wording or difference that might exist on a
15 piece of paper.

16 MR. O'LEARY: They were looking at the
17 terms and conditions, Mr. Freidin.

18 MR. FREIDIN: Well, I know. I don't
19 want -- I want his view quite irrespective of the terms
20 and conditions and he told me what his view was and I
21 want to know now whether he's changing his view, and if
22 he's going to change his view, I will tell you what my
23 next question will be is -- well, no.

24 MR. STEWART: To be totally honest to the
25 Board I would suggest that I -- this is not a major

1 with me, item. I don't think it's difficult to
2 demonstrate general corridors. I don't think it is an
3 absolute necessity to do that necessarily to fulfill
4 what I consider to be broad objective management.

5 The demonstration in my mind of where the
6 wood supplies will be will be self-evident once they
7 are projected and demonstrated.

8 MR. FREIDIN: Q. Good. Okay.

9 MR. STEWART: A. The terms and
10 conditions suggest that there would be a very general
11 location where primary roads would be.

12 Q. Okay. In your planning process that
13 you put forward you got down -- after a lot of analysis
14 and consideration down to where you said you do a
15 detailed TMP, you do a detailed TMP it's on the
16 righthand side, five or six or something.

17 A. Mm-hmm.

18 Q. When you get down to actually doing
19 the detailed timber management plan, are you
20 proposing -- is the Coalition proposing that there be
21 alternate areas identified for harvest.

22 And just so you understand where I'm
23 coming from, Mr. Stewart, right now you look at a
24 five-year plan and you'll see, you know, this block,
25 this block and this block, three blocks, they're

1 allocated for harvest and the big discussion gets over,
2 how do you get there, where are the areas of concern in
3 there, what kind of operations are going to take place
4 in there.

5 Now, is it the Coalition's position that
6 when you're doing a timber management plan that in
7 addition to having those three, you should actually
8 have -- show alternate squares so you should have area
9 4, 5 and 6 and those three might be -- you go to those
10 three areas instead of the first three areas, or you
11 might be able to go to 1, 3 and 5 as opposed to 2, 4
12 and 6 and consider those kinds of alternatives?

13 A. Are you asking me if it would be
14 acceptable that alternative areas be shown in that
15 process, that there may be stands in there specifically
16 that could be harvested if required.

17 Q. No, no. I'm saying, in terms of
18 large areas, if you needed -- I want to know whether
19 the process that you're putting forward, Dr. Quinney,
20 and the Coalition is asking for -- I have some
21 difficulty understanding many aspects of that process,
22 but this is one that I'm particularly -- in the limited
23 time we have left I want to try to deal with.

24 The hypothetical I'm thinking about is
25 you need 6,000 hectares in the five years.

1 A. Mm-hmm.

2 Q. Somebody sits down and they have a
3 bunch of -- they have some allocation criteria and they
4 pick area 1, 2 and 3, 6,000, so 2,000 each, and then a
5 plan is prepared about what is going to go on in
6 there - part of the plan is choosing those areas - but
7 is the Coalition saying you should also have additional
8 areas saying: Well, instead of going to these three
9 areas for this five years, we can go to those three
10 areas, or -- and doing all the analysis with the roads
11 and everything getting to those additional three areas
12 or are you not?

13 A. I'm not following you very well.
14 There is a preferred timber management plan that has
15 been selected and I'm wondering -- can we...

16 Q. Oh well --

17 MR. DICKSON: A. That's an exhibit, so
18 be careful.

19 Q. Okay. Let's say the square is the
20 management unit and the road is coming up from the
21 bottom, you want to allocate some areas for five years.

22 MR. STEWART: A. Right.

23 Q. And to apply an allocation criterion
24 you say I want this block and I want this block and I
25 want this block, and then what you do is you figure out

1 how you're going to get there by the roads, the
2 alternative roads, you'd have stream crossings, areas
3 off concern, they are developed through planning.

4 Now, when you're doing your timber
5 management plans, detailed timber management plan is it
6 or is it not a requirement of what you're putting
7 forward - I just don't know - that if this gives you
8 the wood you need, your 6,000 -- your 6,000-hectares or
9 the volume, 6,000 cubic metres, would you also have to
10 say: Well, gee, I better think about maybe an
11 alternative way I can do it, but there's also another
12 one, I can go there and I can go ---

13 So what I'm showing is, you could go to
14 these sort of diamonds to get it, you could go to the
15 squares to get it, or you could go to the circles to
16 get it.

17 I'm saying, is that a requirement of your
18 process, that you have to -- that you show alternate
19 areas allocated for harvest from which you can get the
20 wood supply you need for the five years?

21 The answer is no? You're shaking your
22 head. The answer is no?

23 A. No, it's not necessary to do that
24 because.

25 Q. Okay, thank you.

1 A. Because you're establishing
2 objectives and you're trying to meet the objectives.
3 You saw in the pileated woodpecker example that I went
4 through, there was a great many choices that you would
5 have in achieving that objective.

6 Q. Thank you. Could we mark that as the
7 next exhibit, Madam Chair.

8 MADAM CHAIR: What do you want to call
9 it, Mr. Freidin?

10 MR. FREIDIN: Alternate allocations.

11 MADAM CHAIR: Shall we give it an exhibit
12 number.

13 MR. FREIDIN: Okay.

14 MADAM CHAIR: Exhibit 2153.

15 ---EXHIBIT NO. 2153: Graphic description of alternate
16 allocations prepared by Mr.
Freidin.

17 MR. FREIDIN: Q. I'd like no move on --

18 MS. SEABORN: Sorry, what was the
19 number, Madam Chair?

20 MADAM CHAIR: Exhibit 2153.

21 MR. FREIDIN: Q. Now, let's see if I can
22 finish faster if I can get through this pile of paper
23 here, Mr. Stewart.

24 Mr. Stewart, do you know Jamie Benson?

25 MR. STEWART: A. Sure do.

1 Q. Who is he?

2 A. He's the Chief of Inventory in
3 Saskatchewan, or Forest Planning. He's been in every
4 role there, but he is an inventory person.

5 Q. Do you know Larry Stanley?

6 A. I sure do.

7 Q. Who's he?

8 A. He is Chief of Forest Management, I
9 believe.

10 Q. Okay. The project that you're
11 involved in preparing that 20-year plan, that's the
12 NorSask project --

13 A. Correct.

14 Q. NorSask Forest Products one?

15 A. Correct.

16 Q. Am I correct that that particular
17 project could be described as a test case, it's the
18 first kind of project or planning process of that
19 nature?

20 A. It's not a test case, no. That is a
21 process that is primarily managed by the Department of
22 the Environment. The request for the impact assessment
23 comes through Environment not through Parks and
24 Renewable Resources. It's the first time that the
25 assessment has been applied to forest management.

1 Q. Right. And the assessment -- the
2 first time that's ever been done in Saskatchewan at the
3 moment is going to be somehow influenced by Exhibit
4 2133, I believe, which is the Draft Project Specific
5 Guidelines--

6 A. Correct.

7 Q. --for the Preparation of the
8 Environmental Impact Statement?

9 A. Mm-hmm.

10 Q. And they're draft in the sense that
11 they haven't been finalized by the government, they're
12 out for public comment at the moment?

13 A. They are being finalized by public
14 review. They have been put out by the government, yes.

15 Q. Okay. Am I correct that this area
16 where the -- like, the limits or the licensed area that
17 this particular project applies to, the NorSask Forest
18 Products Inc., I guess licence area?

19 A. Mm-hmm.

20 Q. There's no land use plan in existence
21 in that area?

22 A. Correct.

23 Q. Am I also correct that when you were
24 saying that this was a similar -- had similar sort of
25 steps or was going to have similar sorts of --

1 A. It's a similar procedure.

2 Q. Similarities between what was going
3 to happen on the NorSask project--

4 A. Right.

5 Q. --and what was being recommended by
6 the Coalition--

7 A. Correct.

8 Q. --am I correct that your role in this
9 is that you are the, sort of, the principal advisor or
10 consultant to the forest company that has been given
11 the obligation to respond to or to prepare the EIS?

12 A. That's true.

13 Q. Is it fair to say that the reason
14 that there -- let me suggest to you, that the reasons
15 that there may be some similarities between what's
16 going to happen on this project and what's being
17 proposed by the Coalition is really a matter of your
18 interpretation or advice to this company as to how you
19 feel they should go about dealing with preparing an
20 EIS; in other words, you're saying I think you can
21 satisfy what the government wants if you do it this
22 way. It's more that than it's basically saying that
23 that is explicitly required by these draft guidelines?

24 A. The Draft Guidelines and Environment
25 Assessment in Saskatchewan require the proponent to

1 demonstrate what is being asked for in the guidelines.
2 It is up to the proponent to determine how they wish to
3 proceed with respect to that.

4 Q. Right. So it might very well be that
5 if a different consultants - and I'm not being
6 critical - you've approached your task in a
7 professional manner, you've looked at this and you feel
8 it is reasonable for the proponent to approach this
9 task using the approach you have advocated. I'm just
10 saying, another consultant may take it and feel that a
11 different approach might be equally acceptable?

12 A. I would suggest that just about every
13 other consultant would take a different approach.

14 Q. Okay, thank you.

15 MADAM CHAIR: It doesn't escape the
16 Board's notice, Mr. Freidin, that you're always
17 particularly nice to people from your home province.

18 MR. STEWART: Oh, is he being nice to me.

19 MADAM CHAIR: Believe it or not, Mr.
20 Stewart. He likes people from Saskatchewan.

21 MR. MARTEL: I was thinking about going
22 back there to run for something.

23 MR. STEWART: Well, you're welcome.

24 I must make an addition to where you were
25 going with those comments.

1 MR. FREIDIN: Q. Well --

2 MR. STEWART: A. The consultant does not
3 make the decisions, the woodlands manager or the
4 president of Mistik Management is responsible for
5 making a decision to spend in terms of in excess of
6 \$2-million to get a product that he could have got
7 clear the process for \$500,000.

8 Now, that's very clear in this. So there
9 is clear recognition among the industry in that area
10 that they need a process that will allow them to deal
11 with the problems that they perceive are important to
12 them, and they are these kinds of problems, and we face
13 the same problems everywhere in the country.

14 Q. That's right.

15 A. Okay.

16 Q. And they've sought your advice on
17 that and you've given it to them?

18 A. That's correct.

19 Q. I hope you're well paid for it too.

20 A. Ah...

21 Q. Okay. You gave some evidence about
22 the cost of GIS, and Mr. Cassidy may have touched on
23 this. You gave some evidence about being able to do
24 something for \$25 per square kilometre and the Ministry
25 document that dealt with Timmins said \$300 per square

1 kilometre.

2 A. Oh, no. I said that for \$25 we could
3 have a product that would allow us to achieve the basic
4 things that I said were important to the process.

5 Q. Okay.

6 A. And that the Ministry had a number of
7 other, maybe they had some other costs associated with
8 theirs, but I said for \$25 to \$30, I think it was, or
9 \$25 per square kilometre, yes.

10 Q. Okay. Now, could you tell me - I
11 don't want to go into a lot of detail - assuming you
12 had -- there is a GIS in the area you're talking about?
13 Is there a GIS on this land area that, in fact --

14 A. What land area?

15 Q. All right. I want to get some
16 appreciation of what is involved in spending this \$25
17 per square kilometre.

18 A. Mm-hmm.

19 Q. Including all of the, sort of the
20 base that you start with.

21 A. Right.

22 Q. And then I'm going to want to get
23 some idea of your idea of what more is involved than
24 what the Ministry described in that document, what
25 you're suggesting is not necessary to start with.

1 A. I only referred to the Timmins plan,
2 that I said that if I was putting together that
3 information for the purposes of achieving the
4 objectives of the terms and conditions, that those are
5 the kind of costs \$25 to \$30 a square kilometre, that I
6 believe that I can have the data product sitting there.

7 Q. You say putting together that
8 information.

9 A. Mm-hmm.

10 Q. What information are you saying?

11 A. The forest resource inventory. The
12 forest inventory.

13 Q. This is the information that you have
14 to start with or this is --

15 A. You don't have anything to start with
16 the. Let's say, we're naked, we're just getting
17 dressed, all right, you want to put on the layers of
18 clothing like a GIS system would.

19 Q. Now, you're talking Saskatchewan
20 language.

21 A. Right.

22 Q. Okay.

23 A. I believe I gave evidence related to
24 this. And do you want me to get the documents out and
25 go through it again, would that help?

1 Q. Well, let me -- did you have base
2 maps when you start with this process, when you spend
3 the \$25 per square kilometre?

4 A. We started without base maps in an
5 exercise that we did.

6 Q. Did \$25 per square kilometre involved
7 the preparation of base maps?

8 A. You don't have to have those quality
9 of base maps to use GIS like that. You could use the
10 1:15,000 provincial inventory, we could go into the Red
11 Lake Plan and I could pull one of those out and say:
12 Here's the base that you can start with.

13 Q. Well, you know something --

14 A. And that becomes the base.

15 Q. Yes, okay.

16 A. You register to whatever base you
17 wish.

18 Q. Just give me a minute, I think. I
19 may have to deal with this in a different way.

20 A. Well, you basically have the luxury
21 to select a base, right.

22 Q. Just hold on a second. Could you go
23 to the document that dealt with cost, Exhibit 2145,
24 please?

25 A. Mm-hmm. I have it.

1 Q. Now, am I correct that the box on the
2 left with MNR under is based on the total \$31-million
3 and change -- that \$31.5-million being spent as set out
4 in item No. 1 at the bottom of the page?

5 Q. And the one on the right is the same
6 \$31.5-million being spent?

7 A. No.

8 Q. How much money is being spent under
9 the Coalition's graph on the righthand side?

10 A. 80-cents versus 97, or something like
11 that--

12 Q. Okay.

13 A. --is the comparison.

14 Q. Why are the words GIS at the top,
15 what does that signify?

16 A. One-time incremental -- or one-time
17 cost for getting the basic GIS product that you would
18 need to work with.

19 Q. And that's on top of the 80-cents?

20 A. Yes, it is.

21 Q. Do you have a breakdown of how the
22 \$31.5-million on the Coalition's side is attributed to
23 your specific terms and conditions, and let's make it
24 more general than that, at least to the various
25 headings or subject matters addressed in your terms and

1 conditions? Do you understand the question?

2 For instance, just turn to the Table of
3 Contents of the Coalition's terms and conditions.

4 There are a number of subject matters here. If we go
5 to No. 3 you've got Planning Teams, Advisory
6 Committees, Plan Authors, Public Consultation, you have
7 got Training under the next one, you've got Technical
8 Requirements.

9 Have you in any way broken down the
10 \$31.5-million you're going to take from the Ministry -
11 you're basically saying the Ministry shouldn't spent it
12 on theirs, they should spent it on yours - but have you
13 broken that down to say it's going to cost \$5-million
14 to do this part of what we're suggesting and \$6-million
15 to do that, or \$200,000 to do that. Have you done that
16 sort of an analysis?

17 Well, I mean -- Dr. Quinney you're --

18 A. I'm not doing anything here but
19 trying to respond to this in a way that it will help
20 the Board understand what happened here, all right.

21 We calculated a cost based on most of the
22 components, and you're going to ask me for more details
23 and you're not going to get them because I can't give
24 them to you. I can give you the components that went
25 into the cost of the information that is necessary in

1 the GIS exercises and tradeoff analysis and all of
2 those components that lead us through the planning
3 sequence, and that was the equivalent of 70-cents a
4 cubic metre, okay. Just let me finish before you jump
5 in here.

6 And there was an exercise that we went
7 through where we looked at the specific costs that I
8 had not covered. In the work that we're doing in
9 Saskatchewan obviously we're not proposing that monies
10 for training, the advisory committees and those items,
11 so we did sort of a two-tiered costing, we then added
12 an extra cost on to accommodate what those features
13 would be.

14 Q. I'm sorry, you did what?

15 A. We added into the 70 cents an extra
16 10-cents a cubic metre to cover all of those other
17 types of concerns and costs that would be associated
18 with putting together the terms and conditions for the
19 Coalition.

20 So if you're asking me if this is an
21 extremely detailed, itemized costing, I would say no
22 it's not, it is what I consider to be based on the
23 costs of, let's say, the more bureaucratic side of this
24 thing, the meetings and the training and the manuals
25 and those types of things on one side, verus the cost

1 of being able to produce these plans on the other and
2 doing --

3 Q. So do I understand that one part of
4 the costing, or the largest part of this costing would
5 be the one that you did -- would the largest chunk of
6 the money be in, I guess, the items reflected in what
7 you did based on the Saskatchewan experience as opposed
8 to the part that was added in; i.e., for things like
9 training and advisory committees?

10 A. I'm saying that -- yes, that's
11 correct.

12 Q. 70 cents I think actually.

13 A. Yes.

14 Q. All right. So most of it was from
15 Saskatchewan. And when you did that, did you look at
16 the terms and conditions. You said you looked at the
17 terms and conditions after you did your costing to see
18 what you didn't include.

19 A. That's not exactly how the process
20 went on.

21 Q. All right.

22 A. What I brought to that process in
23 trying to assist the Coalition was the itemized budgets
24 that I had prepared for the work we're doing in
25 Saskatchewan to complete the environmental impact

1 assessment that is going to be a process that is
2 similar to what this one is, okay.

3 Q. Right.

4 A. And so I had detailed costing for
5 that, but it was not itemized in the same sense that
6 the steps were for the terms and conditions, so...

7 Q. Right.

8 A. It was a problem of marrying these
9 together into a reasonable sense, and I attempted to
10 break it out in that fashion, and in the time that I
11 had I didn't feel that I could come to the Board and
12 have it broken down in that fashion, and that's
13 unfortunate.

14 Q. When did you start on that task?

15 A. Friday.

16 Q. All right. And what you costed
17 then -- I mean, if one wanted to be precise, okay--

18 A. Mm-hmm.

19 Q. --to know whether the costs of what
20 the Coalition are proposing really are similar -- I
21 mean, are correctly reflected by your analysis, the
22 degree of similarity between what you're doing in
23 Saskatchewan--

24 A. Mm-hmm.

25 Q. --and what the Coalition are

1 proposing becomes of paramount importance.

2 A. I wouldn't use such a strong word as
3 paramount.

4 Q. Well, it's important. It's very
5 importance; correct?

6 A. I'm suggesting -- I could go through,
7 if it would help you, to -- I don't feel comfortable
8 presenting the budget that I have for the Mistik
9 operation on paper, but I could go through and itemize
10 the amount of dollars that are being spent in each of
11 the categories and activities that are being carried
12 out, if that would help you feel more comfortable.

13 I do have it here and it would take me
14 about 10 minutes, but it would --

15 Q. And what is it that you're saying I
16 might be interested in, the cost of what?

17 A. Of the specific activities that we
18 are carrying out in Saskatchewan as part of completing
19 the assessment which is similar, as we have suggested,
20 to the process of the terms and conditions that the
21 Coalition are proposing.

22 Q. What do you mean when you say
23 similar?

24 A. I mean that the planning sequence
25 that we have proposed on paper that is presented in

1 terms and conditions -- yes, terms and conditions 10,
2 the planning sequence.

3 Q. The planning sequence?

4 A. And the elements that are involved in
5 allowing us to do those things is similar.

6 Q. Now --

7 A. Very similar.

8 Q. Well, Mr. Stewart, the steps may
9 be -- or the sequence may be similar, but I looked at
10 that document, those draft guidelines, and they don't
11 have anywhere near the kind of detail.

12 A. What draft guidelines?

13 Q. The draft guidelines you're using for
14 the Mistik, or the NorSask project, they don't have the
15 kind of -- are we talking about the wrong project now?

16 A. No, no. You're misinterpreting what
17 the Department of the Environment asks of a proponent
18 in a project. They leave the decision up to the
19 proponent to demonstrate that their project should be
20 approved.

21 Q. Okay.

22 A. And how that occurs. That's the
23 proponent's decision as to the level of effort they
24 wish to go to to meet that law in Saskatchewan, okay.

25 Q. The plan that's being prepared for

1 that particular project and for which an EIS is
2 required is a 20-year plan?

3 A. The 20-year plan is a component of
4 the environmental assessement in Saskatchewan, yes.

5 Q. The environmental assessment is not
6 going to apply to the five-year plan?

7 A. The 20-year plan includes the level
8 of detail that is comparable to the five-year planning
9 process here.

10 In the proposal that we're putting forth,
11 okay, we will have details that probably even go beyond
12 what the terms and conditions -- or what the Coalition
13 is proposing. It's not what the Department of the
14 Environment is asking for that counts here, it's what
15 we are proposing to do and what we have budgeted to
16 deliver in terms of a product as part of our commitment
17 to the environmental assessment process that I'm
18 talking about.

19 Q. Okay.

20 A. The reason this has occurred is
21 because the 20-year planning process as used in the
22 past by the Government of Saskatchewan, Parks and
23 Renewable Resources, has not necessarily satisfied the
24 concerns of the public. So that's the event.

25 So coming back to the original

1 question --

2 Q. Well, you were going to give me -- I
3 mean, I'm hesitating because, you know, if I start
4 cross-examining on this thing I'll be here for days.

5 A. And it may not be of a lot of value.

6 Q. Can you identify for me the items
7 that you had to look at which weren't included costs --
8 pardon me, items that weren't included in your costs
9 based on what you're doing in Saskatchewan?

10 A. Are you asking about that 10-cents a
11 cubic metre, the items that would be included in there?
12 I mean, as it sits --

13 Q. Right, okay. Yeah, I guess that's
14 what I'm asking.

15 DR. QUINNEY: A. Then that would include
16 the costs of the advisory committees at the local,
17 regional and provincial level.

18 Q. All right. You just give me the
19 topics first.

20 A. Public consultation, for example, the
21 open houses and notices. And I do have somewhere some
22 notes, but I don't have them right here in front of me.

23 I think that's it, but -- oh yes, the
24 training as well. Sorry, quite right. That's -- yeah,
25 that's sections 4.3.1 and 4.3.2, 4.3.3.

1 Q. All right. Anything else?

2 A. I think that covers it off.

3 Q. When you say public consultation,
4 that's what you've got under 3.4?

5 A. Yes.

6 Q. Now, it's 10-cents per cubic metre,
7 so that means you must have had a dollar figure that
8 you used to come up with that?

9 A. Yes.

10 Q. So what's the big ballpark number for
11 those three terms and conditions, just so I don't have
12 to do the math.

13 A. I have those figures, but I don't
14 have them with me, Madam Chair. I've got -- my point
15 is, yeah, I do have calculations for each, dollar
16 figures for each of these.

17 Q. Do you have.

18 MR. O'LEARY: We just did a quick
19 calculation and came out to \$3-million.

20 MR. FREIDIN: \$3-million, okay. So
21 that's 3-million, that's a portion of the \$31.5?

22 MR. O'LEARY: Yeah.

23 MR. FREIDIN: Okay.

24 Q. That's one eighth of 31.5?

25 MR. STEWART: A. That's what it adds up

1 to based on this analysis.

2 Q. Now, when you did your analysis did
3 you do it with these terms and conditions beside you
4 saying: Yeah, we're doing this and we're going to do
5 that, and all this detail and say, okay. Did you go
6 through an analysis to make sure that every requirement
7 that's set out in these terms and conditions, that
8 you're doing exactly the same thing and I'm not talking
9 about the sequence--

10 A. Mm-hmm.

11 Q. --I'm talking about the requirements
12 as described.

13 A. I believe that we achieved that, yes,
14 that's what we were working at. We had a sequence of
15 everything there and we believed we had covered
16 everything off.

17 Q. Did you go through every term and
18 condition like I suggested to make sure, or did you
19 just look at the sequence in 5 and say: Yeah, we're
20 dealing with habitat supply analysis, yeah, we're going
21 to put quantitative objectives for recreation and,
22 yeah, we're going to do that.

23 I mean, what kind of rigor went into
24 this? I mean, you started on Friday and I would be
25 surprised if it would be very much of a rigorous

1 analysis if you started this on Friday, but I want to
2 get some sense.

3 MR. O'LEARY: In seven days.

4 MR. FREIDIN: Q. I want to know how
5 rigorously you approached this?

6 MR. STEWART: A. It was more rigorous
7 than what the time that we spent here would indicate
8 because we have been going through this process of
9 budgeting on the Saskatchewan project for quite some
10 months to attempt to achieve the objectives that we
11 have there.

12 Now, the best that I could do in the
13 process is bring that to this one, and from what I have
14 understood about the terms and conditions and the times
15 that I have gone through them that, yes, this level of
16 effort applied to a similar land base in Ontario would
17 produce the kind of product that the Coalition is
18 looking for.

19 What I don't -- what I don't believe in
20 all of this is that it will cost that much and I made
21 that point to the Board the other day that there are
22 existing resources within the Ministry of Natural
23 Resources that I don't fully understand, when I looked
24 at the type of staff that were at the district level
25 and the regional level, the type of resources that the

1 Ministry already has in place, that a lot of these
2 tasks and activities could be carried out as part of
3 the existing structure, that there wouldn't be all
4 these incremental costs, but I was unprepared to --
5 with my experience here, I was unprepared to bring that
6 to bear on this process and say: Yeah, it's going to
7 cost you 30-cents a cubic metre because I'm not
8 familiar enough with all the resources that are in the
9 Ministry.

10 But it will be lower than what I've
11 indicated here if you can use some of the existing
12 resources available in terms of people, equipment, et
13 cetera.

14 Q. Okay. Dr. Quinney, what
15 particular -- what has dropped from MNR's package of
16 terms and conditions -- what I'm getting at is, have
17 you given any thought to do what you're saying, is
18 there -- is there a thing that the Ministry is
19 proposing that sort of dropped off the table, in
20 addition to the provincial level effectiveness
21 monitoring under the 30 -- you know.

22 DR. QUINNEY: A. Do you mean in terms of
23 a reallocation, is what you're asking and, yes, we've
24 certainly recommended, for example, from the provincial
25 effects/effectiveness monitoring that some of that

1 money be, that money be reallocated.

2 Q. All right. And have you taken the
3 money from those programs and you're --

4 MR. FREIDIN: Well, without the
5 documents, Madam Chair, it's almost impossible.

6 MR. STEWART: Would it help you --

7 MR. FREIDIN: Q. Dr. Quinney, can you
8 give us dollar estimates which were used as the basis
9 for Table 1 which is at Tab No. 4 of your witness
10 statement?

11 DR. QUINNEY: A. To do those -- Table 1,
12 for example, I used evidence that MNR has submitted
13 with reference to the costs of their draft terms and
14 conditions. For example, the evidence they presented
15 in Panel 16 and additional cost estimates of your new
16 terms and conditions, or additional costs of terms and
17 conditions from prior drafts of your terms and
18 conditions.

19 Q. So like you say we're at zero -- let
20 me get this straight again, if it's zero that means no
21 additional money -- your proposal wouldn't add any more
22 to the cost than what the Ministry would have spent, in
23 fact, even with their terms and conditions; is that
24 what it means?

25 A. That's right, and that is explained

1 in my witness statement.

2 MR. O'LEARY: It also says it right at
3 the bottom of the table.

4 MR. FREIDIN: Q. All right. So you've
5 got an advisory committee and it's going to go up,
6 manpower is going to go up. That means the dollars are
7 going to go up?

8 DR. QUINNEY: A. Manually.

9 Q. Where do you have how many dollars --
10 how much of the \$31.5-million as a result of manpower
11 going up -- the items which go up, how much of the
12 dollars for the items which you say are going to go
13 down. Would you agree that it's absolutely impossible
14 for anybody to really figure out and analyse whether
15 there's any legitimate basis for this unless they've
16 got the numbers?

17 I mean, I hate to say it, but you're the
18 one that keeps talking about quantitative, traceable,
19 replicable process and this is about as far from that
20 as you can get. I don't know what you're talking
21 about?

22 A. Well, what we have done --

23 Q. Is it quantitative?

24 A. Yes.

25 Q. Is it replicable?

1 A. Yes.

2 Q. Oh. That means if you gave it to
3 anybody they could come up with the same results?

4 A. Mr. Stewart provided somebody else,
5 Mr. Stewart and I provided somebody else with the
6 criteria, elements that we were working with, yes, they
7 would come up with a very similar conclusion to what
8 we've shown here.

9 Q. So it's not a subjective analysis and
10 this is an objective analysis?

11 A. We believe so, based on the best
12 information we had from MNR.

13 MR. STEWART: A. I could go through in
14 detail.

15 Q. We haven't got time to go through in
16 detail.

17 MR. O'LEARY: We will take the time if
18 it's so important, Mr. Freidin, subject of course to
19 Mr. Martel's flight.

20 MR. MARTEL: We can come back on Monday.
21 I'll be here Monday.

22 MR. O'LEARY: I'm not leaving town.

23 MR. STEWART: I'm leaving town.

24 MR. O'LEARY: We will bring you back.

25 MR. MARTEL: That is why the Board asked

1 the question when we were doing the scoping. I read
2 this and I couldn't figure out how it was arrived at.
3 That's why I asked the question the other day, how many
4 economists are you talking about adding?

5 I don't see any economists on MNR's
6 planning team now. Now, I don't know how many
7 economists you think you might need across the
8 province, but you have them in your terms and
9 conditions. Is it one for every 10 units and you can
10 move them around for every plan, but that in itself,
11 what's an economist cost per annum.

12 And you're looking at -- let's say, we
13 took one economist for 10 units, because it takes -- we
14 do a plan every five years and it just rotates, we're
15 doing about 20 a year. How much are we talking about
16 just for economists alone, and they don't come cheap,
17 maybe not as expensive as lawyers, but they don't come
18 cheaply.

19 Now, how is that figured in there? I
20 couldn't figure it out.

21 MR. STEWART: Yeah, I can appreciate
22 that. In our assessment here that was included in that
23 number, we have subcontracted for the purposes of
24 economic analysis \$70,000.

25 MR. MARTEL: A year.

1 MR. STEWART: Over the production of this
2 initial plan. That's two years that will happen, we
3 have subcontracted \$70,000 for the cost.

4 MADAM CHAIR: In Saskatchewan.

5 MR. STEWART: In Saskatchewan.

6 MR. MARTEL: Yes, but don't forget, when
7 you're calculating that you've got how many plans going
8 on annually in Ontario Mr. Stewart.

9 MR. STEWART: Well, we were basing it on
10 a cost per cubic metre and --

11 MR. MARTEL: Yes, but you see your figure
12 shows just short term maybe, but are we going to drop
13 the economist from the terms and conditions after the
14 first run. After the first plan, do we get rid of
15 them.

16 We're talking about how many economists
17 hired by contract. Somebody tell me what it means, and
18 it goes through each one of them, that's why we
19 selected I think the planning team, because it has a
20 plus and then everything else is a zero, hardware,
21 software, data, documentation.

22 You know, I just don't know how -- but
23 that's why we raised it in our own questioning
24 because --

25 MR. STEWART: And I believe it's an

1 essential component to making a decision to know what
2 these would cost, and I would suggest that one would
3 take a district with FMUs, do a pilot, look at existing
4 staff, look at what their current duties are, how they
5 could be re-employed, what percentage --

6 MR. MARTEL: They don't have economists
7 now.

8 MR. STEWART: No, that may be an add on
9 to the system completely that one would have to account
10 for.

11 MR. MARTEL: How many?

12 MR. STEWART: Yes.

13 MR. MARTEL: We don't know how many.

14 MR. STEWART: Right. And that --

15 MR. O'LEARY: Mr. Martel, maybe this is
16 another area where we should respond with more a
17 detailed analysis, and maybe that's an area, in
18 fairness to Mr. Freidin, that he would need to
19 cross-examine someone again, if there was an hour or two
20 at some point in the future, we could provide that
21 and --

22 MR. MARTEL: See, if you get the
23 planning -- I asked the question this morning -- I
24 asked yesterday very definitely about the annual work
25 schedule because it's a year long. I think the

1 Ministry's proposal is four months.

2 Well, surely the planning time becomes
3 more costly if it takes 12 months as opposed to four
4 months, but how do you put a zero down?

5 MR. O'LEARY: But then Mr. Stewart did
6 indicate today that some of that, including the period
7 of the studies that are done during the May to
8 September portion, could be done a year in advance so
9 in fact --

10 MR. MARTEL: But wait a minute. My
11 understanding is that if you do an annual work schedule
12 you haven't determined the precise area to be done the
13 year in advance, that's part of the process to do it,
14 as you get nearer to the date you're going to actually
15 implement the work schedule, how can you go out and
16 walk the particular area when you don't know what it is
17 until you've decided what you're going to do, if that
18 makes any sense.

19 MADAM CHAIR: Mr. Freidin, would it be of
20 any help at all to have any more written information on
21 this. Presumably you're going to address it in reply
22 or you are going to deal with it in whatever way you
23 choose.

24 MR. FREIDIN: I am content to move on and
25 just deal with it based on this. I think I should just

1 move on.

2 MADAM CHAIR: All right.

3 MR. O'LEARY: Madam Chair, with respect,
4 his comment a moment ago on the record was that there
5 isn't enough time, he thinks it's important and he
6 wants to deal with it, and are you saying now that it's
7 not important and you don't want to deal with it?

8 MR. FREIDIN: I'm saying I'm satisfied to
9 move on to another area and I don't need any further
10 information.

11 MR. O'LEARY: And then the second point,
12 Madam Chair, is if we can be of any assistance to the
13 Board and to Mr. Martel's concerns, I would like to
14 make our best efforts in that regard.

15 MADAM CHAIR: If we want any more
16 information, we'll be in touch with the Coalition.

17 MR. FREIDIN. Q. Could you turn to the
18 Red Lake Plan -- the exhibit on the Red Lake Plan, Mr.
19 Stewart.

20 MR. STEWART: A. That's the small one
21 that was --

22 Q. Well, yeah, the small one, 2131.

23 A. There it is.

24 Q. Now, I'm just wondering, you said
25 when you gave the evidence on this plan that one of the

1 things that you were looking for was the state of the
2 forest based on past operations; is that correct?

3 That was the first thing you said you
4 were looking for, state of the forest based on past
5 operations.

6 A. Clearly document the state of the
7 forest.

8 Q. Clearly document the state of the
9 forest based on past operations.

10 A. Mm-hmm.

11 Q. All right. And you said that, I've
12 got you down here, we wouldn't say that this particular
13 item, amongst a number of others, was adequately
14 addressed in the plan.

15 A. I said it wasn't adequately presented
16 so that I could easily find it.

17 Q. Oh. Was it in the plan though?

18 A. There was substantial information in
19 the plan that would be allowing one to understand what
20 the state of the forest was, yes.

21 Q. Right. And the influence of past
22 operations on that, that was also in the plan; is that
23 correct?

24 A. There was information related to
25 that, but you must appreciate I made it clear that I

1 had spent a few hours looking at it and I did not
2 pretend that there wasn't a tremendous amount of
3 information in there, I suggested there was, it was not
4 presented in a fashion that was readily usable.

5 Q. Okay. Well, that shortens my
6 questions considerably. Just one question then. You
7 talked about the change in the volume per hectare from
8 a 147 to 149, or 145 to 147?

9 A. 144 to 147.

10 Q. Page 191. Do you have page 191 in
11 the exhibit?

12 A. Yes, I do.

13 Q. And it's on that page 191 where you
14 find that the forecasted yield - this is the forecasted
15 yield for the plan - was 147.1 cubic metres per
16 hectare.

17 A. Mm-hmm.

18 Q. And that was two or three hectares --
19 pardon me, cubic metres higher than what had actually
20 been harvested in the previous five years; am I right?

21 A. Right.

22 Q. Let's read together what it says.
23 Right underneath the forecasted yield it says:

24 "The total forecasted yield is
25 approximately equal to the actual yield

1 recovered during 1986-1991. This is a
2 result of extensive operational cruising.
3 47 per cent of allocated stands were
4 sampled by either preharvest assessment
5 or standard operational cruise."

6 Now, it seems to me that those words in
7 themselves say we did some operational cruising which
8 they felt was extensive and that's how we calculated
9 147.1 cubic metres. There's your answer.

10 A. I accept that answer. On the
11 previous page 24, the forecasted projected yield on the
12 1986-91 plan was 136 cubic metres, the actual was
13 144.2.

14 Q. Okay.

15 A. If I'm reading that correctly.

16 Q. Yeah, all right.

17 A. I would like to suggest I may have
18 made an error or two in my assessment when I went
19 through and I'm not retracting my statement right now,
20 but this is an area of discrepancy.

21 Q. Okay. And the last thing, you made a
22 calculation of the three cubic metres, like, the
23 difference that meant based on a 10,000-hectare harvest
24 over five years, you came up with 550,000 cubic metres,
25 okay, that was the number that you gave in evidence.

1 A. Yes.

2 Q. I'm not very good on numbers, but I
3 will ask somebody to do some number crunching for me
4 and they came out to 30,000 cubic metres. 10,000
5 hectares at 3 cubic metres per hectare is 30,000 cubic
6 metres. That's not even a number crunch; is it?

7 A. I based it on the productive land
8 base.

9 Q. Oh, all right.

10 A. Okay. And I think there was
11 approximately 200,000 hectares in productive forested
12 area, 187,000.

13 Q. So bringing this down to ground, just
14 assuming for the moment there was an error in the
15 prediction of three cubic metres, the error would
16 manifest itself for that five-year period by -- it will
17 be 30,000 cubic metres for the five-year period?

18 A. Yes.

19 Q. Okay.

20 A. I wasn't intending to leave the
21 impression that this was a catastrophe on the --

22 Q. And the CP mill in Thunder Bay, can
23 you confirm for me that in fact it produces about a
24 million cords a year?

25 A. I can't.

1 Q. Pardon me -- 30,000 cubic metres is
2 about what, 12,000 cords?

3 A. I would have to do a conversion.
4 There's no point.

5 Q. It doesn't matter.

6 MADAM CHAIR: Are you finished, Mr.
7 Freidin?

8 MR. FREIDIN: I've got a few questions
9 for Mr. Dickson.

10 MADAM CHAIR: We've got four minutes
11 left. How long are you going to be in re-examination,
12 Mr. O'Leary? The Board is suggesting that it be three
13 and a half minutes.

14 MR. O'LEARY: With minimal interruption,
15 Madam Chair, I only have a couple of questions.
16 Proceed with that proviso, that can be done in several
17 minutes.

18 MADAM CHAIR: Any objections, Mr.
19 Freidin?

20 MR. FREIDIN: Well, if I can ask Mr.
21 Dickson some questions first. I have to ask Mr.
22 Dickson some questions.

23 MADAM CHAIR: Well, we're not going to be
24 finished at four o'clock. Mr. Martel has a cab
25 waiting.

1 MR. MARTEL: 4:15.

2 MR. FREIDIN: I mean, I'm only going to
3 be maybe 10 minutes.

4 MR. DICKSON: We've heard that before.

5 MR. FREIDIN: Madam Chair, I am going
6 to --

7 MADAM CHAIR: Do you have a final
8 question to put to Mr. Dickson?

9 MR. FREIDIN: A couple of questions,
10 three quick questions.

11 Q. Mr. Dickson, you know, all that talk
12 in Exhibit 2136 which was the access plan review went
13 on and on about Penassi Road and linkages.

14 MR. DICKSON: A. Yes.

15 Q. And everybody was concerned about the
16 linkages. Can you confirm for me that, in fact, the
17 way that was resolved, that concern, that there was a
18 forest access roads committee set up to address that
19 particular problem?

20 A. It wasn't quite that simple. My
21 understanding of the solution to that linkage was that
22 because there were three different districts involved
23 and two or three different companies involved, Great
24 Lakes and Boise, that the MTR consultant requested that
25 this study take place and she involved the MNR, the

1 OFAH people, people from the industry and then they
2 commissioned this plan that prevented, as I understand,
3 the linkage from taking place and, therefore, saved
4 some very important values for several operators.
5 That's my basic understanding of it.

6 Q. The end result was that none of the
7 link-ups -- none of the link-ups are going ahead and no
8 link-ups are going to go ahead without the advisory
9 committee being reconvened?

10 A. Apparently linkages didn't go ahead
11 but there was opposition from Boise at the time, as I
12 understand it, so...

13 Q. But the decision, the decision which
14 has been made by the Ministry as a result of this
15 committee --

16 A. That would be fair to say, yes, as I
17 understanding it. As far as going ahead in the future,
18 five or six years from now, history hasn't always been
19 kind to us in keeping those kind of promises, and I
20 hope, you know, in this case that is the case.

21 Q. I've got a letter in front of me
22 dated January the 11th, 1991 from Mr. Pyzer to the
23 members of that access committee, might as well show it
24 to you and file it as an exhibit.

25 And it indicates that, in fact, the

1 committee would, in fact, be advised if there was going
2 to be any reconvening, any linkages being proposed.
3 (handed)

4 MADAM CHAIR: Exhibit 2154.

5 ---EXHIBIT NO. 2154: Letter dated January 11, 1991
6 from Gord Pyzer (MNR) to Roads
Access Committee.

7 MR. FREIDIN: Q. And the paragraph
8 basically which indicates that, the second paragraph,
9 second line:

10 "Firstly, I have decided not to approve
11 any linkage of the Maybrun and Barren
12 Brook Roads for the purpose of accessing
13 wood supplies east of Atikwa Lake."

14 And it also indicates in the fourth
15 paragraph, second line:

16 "I can assure you that if road linkage
17 proposals for this area are proposed in
18 the future, your organization will be
19 fully involved in their review and will
20 assess the need to reconvene the
21 committee."

22 MR. DICKSON: A. And that's very
23 encouraging.

24 Q. Yeah. Okay.

25 A. However --

1 Q. There were some fairly senior --
2 yeah, okay. The Happy Landing Lodge, which is also
3 part of Exhibit 2138, I went through there and I was
4 asking myself, when did all of this happen, this road
5 being put in, and it was my understanding based on what
6 I read, although it's not there in clear words, this
7 this was something that happened in the early 1980s,
8 this particular road that they talk about?

9 A. Yeah. Again, this was brought forth
10 to give an overall picture of what happened before,
11 what we don't want to happen again.

12 Q. Right.

13 A. And there are other reasons for that,
14 the fact that many of the businesses had been resold,
15 okay.

16 Q. That's the right time frame.

17 A. That's right.

18 Q. And I understand from your evidence,
19 just sort of sitting back and listening to it, you said
20 that, you know, you're encouraged by the local citizens
21 committee; is that right?

22 A. That's true.

23 Q. You're encouraged by looking at
24 what's going on in other districts where you've seen --
25 I think you said that MNR are undertaking some neat

1 initiatives, I think you said, which seemed to be
2 working; is that correct?

3 A. Correct.

4 Q. And those were in relation to road
5 matters primarily?

6 A. Right.

7 Q. And it's fair to say that a lot of
8 the fear that's out there about viability of the
9 businesses as a result of past practices and -- but
10 that there are some encouraging signals as to where
11 things are going based on the sorts of things you've
12 talked about?

13 A. It's fair to say that there is a much
14 higher degree of encouragement. It's also got to be
15 noted that NOTOA did contact 100 and somewhat operators
16 recently and that there is a fear amongst some of the
17 industry that this great encouragement is taking place
18 because of this process and might not continue. I have
19 to --

20 Q. Sure.

21 A. And we hope that there's an
22 enforceable, some kind of enforceable measure
23 introduced, then we wouldn't have a fear, but that's
24 another...

25 There's a lot of damage been done that is

1 irreversible.

2 Q. By the way, if a tourist operator
3 sits down with the Ministry people and the company and
4 they jointly come up with an agreement as to what they
5 think a good prescription is for a road location, for
6 example, to protect your operation doesn't work--

7 A. Right.

8 Q. --something -- you just altogether
9 jointly made the wrong decision, should there be
10 compensation?

11 A. Absolutely. I would say so, yes,
12 case to case, you know. I mean, it's happened where
13 compensation probably should have been awarded in some
14 form and wasn't.

15 Q. Okay. And if the local citizens
16 committee, in fact, is the group whose recommendation
17 was accepted in terms of the prescription and it
18 doesn't work and there are adverse economic impacts for
19 your business, is the local citizens committee
20 accountable now and they should somehow compensate?

21 A. I would say the people involved or
22 the ones that inflicted the damage; i.e., a road gets
23 placed that wasn't supposed to get placed, a spawning
24 area gets damaged, or some indirect access that takes
25 place that wasn't anticipated.

1 Q. You're talking about something which
2 is contrary to the plan?

3 A. I'm talking about something that
4 happens that the committee -- the committees involved
5 didn't foresee or didn't plan for. And that happens
6 quite often. We had sat down --

7 Q. All right, sorry.

8 A. I've personally sat down with MNR on
9 issues, I have a file of the Sedgewick Lake Road, I
10 won't -- that thick, with letter's going back several
11 years with Mr. Tool, et cetera, that didn't work, and
12 we were left holding the bag.

13 So that's unfortunate and I'm not a
14 lawyer, I do know what it's like to get, you know, hurt
15 because of that, and nobody seems to come forth. The
16 MNR took the initiative to say: Look it, we're the
17 keeper of the forest, it's our estate, this is a high
18 recognized value, long-term -- you know, planned
19 long-term as a whole, protect these values and in the
20 event they're not protected because of fiber extraction
21 and those values take a higher priority than ours, then
22 yes, maybe it's Boise, maybe it's the world, I don't
23 know.

24 Q. You've had the last word.

25 Thank you very much, gentlemen. Mr.

1 O'Leary.

2 MR. O'LEARY: May I have a minute and a
3 half, I think, if I take you to Tab 4 of the witness
4 statement.

5 I've thrown everything out to make sure
6 Mr. Martel catches his plane.

7 RE-DIRECT EXAMINATION BY MR. O'LEARY:

8 Q. This flows out predominantly of the
9 cross-examination by Ms. Swenarchuk and we've gotten
10 back to this table under Tab 4 of the witness statement
11 a couple of times.

12 And if I can move it along a little
13 quickly, you will recall that in response to a question
14 about term and condition 177, which is the fish habitat
15 guidelines and the environment for cumulative water
16 impact, Ms. Swenarchuk made reference to effects
17 monitoring 4.2.2.

18 The lefthand column, in fact, refers
19 directly to the terms and conditions. You'll see that
20 what she should have been referring to was Section 5.6
21 of the terms and conditions which is Section 177.

22 If you follow down on Table 4 -- I'm
23 sorry, Tab 4, to 5.6 you'll see provincial guidelines
24 for non-timber values, and rather than her suggestion
25 that there's an inconsistency in respect of software,

1 there's a plus sign.

2 And can I ask you, Dr. Quinney, do you
3 agree that I've just read the table correctly?

4 DR. QUINNEY: A. You have interpreted
5 the table correctly.

6 Q. All right. And where there is a plus
7 sign, can you explain again what do you mean by the
8 plus sign, it's relative to what?

9 A. It's relative to immediate short-term
10 implementation, it's relative the long term and it's
11 relative to MNR's proposals.

12 Q. All right. And in respect of Dr.
13 Kubursi's evidence that he had provided an economic
14 impact assessment model to the MTR and I believe also
15 to the MNR, that if that model was usable then there
16 would be no inconsistency in terms of the evidence in
17 respect of the fact that no additional software would
18 be required under heading 5.5, socio-economic
19 assessment?

20 A. Correct.

21 Q. As well as added manpower?

22 A. That would be correct.

23 MR. FREIDIN: I'm being really nice to
24 you now.

25 MR. O'LEARY: Well, anyway, you left me

1 so much time.

2 Madam Chair, those are my questions in
3 re-examination. I appreciate the opportunity to be
4 here for the last eight weeks.

5 MADAM CHAIR: Thank you, Mr. O'Leary.
6 The Board appreciates the fact that you have expedited
7 the examination-in-chief of a large and significant
8 case, and we appreciate that. Thank you very much.

9 And, gentlemen, thank you very much for
10 coming from Atikokan and Saskatchewan and downtown
11 Peterborough--

12 MR. DICKSON: Thank you.

13 MADAM CHAIR: --to be with us, and we
14 very much appreciate all the work you've put into this.
15 Thank you.

16 MR. FREIDIN: By the way, we have to mark
17 that as an exhibit, put the number on it.

18 MADAM CHAIR: We gave it a number, Mr.
19 Freidin.

20 MR. FREIDIN: I will put the number on
21 it.

22 MADAM CHAIR: 2153.

23 MR. FREIDIN: Thank you.

24 MADAM CHAIR: Thank you very much.

25 MR. DICKSON: Thank you.

1
2 ---Whereupon the hearing was adjourned at 4:05 p.m., to
3 be reconvened on Tuesday, March 10th, 1992
4 commencing at 1:30 p.m.
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